


LAWS
OF
HIS MAJESTY
KALAKAUA I.,
KING OF THE HAWAIIAN ISLANDS,
PASSED BY THE
LEGISLATIVE ASSEMBLY,
AT ITS SESSION
1882.

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1882.



SESSION LAWS---1882.

CHAPTER I.

AN ACT

TO AUTHORIZE THE HOLDING OF AN ELECTION FOR REPRESENTATIVE FOR THE DISTRICT OF KAA NAPALI, MAUI.

WHEREAS, the district composed of Kahakuloa and Kaanapali, on the Island of Maui, is by law a separate Election District and entitled to elect a Representative to the Legislative Assembly, and

WHEREAS, the said District is not a separate Judicial or Taxation District, and therefore there were not District Justices, Tax Collectors or School Superintendents available within the District from among whom the Minister of the Interior could designate Inspectors to preside over and conduct the election held on the 1st day of February, 1882, and in consequence thereof no election was held in that District; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. There shall be an election for Representative held in the District composed of Kahakuloa and Kaanapali, on the Island of Maui, at the school-house in said District, of which at least ten days previous public notice shall be given by the Inspectors of Election.

SECTION 2. The Minister of the Interior is hereby

authorized and required to appoint three suitable persons, as Inspectors, to preside over and conduct the said election.

SECTION 3. The election provided for by this Act shall be conducted according to the law regulating elections, and the election hereby ordered shall be valid and binding to all intents and purposes, and the tenure of office of the Representative so elected shall be the same as if elected at regular election.

SECTION 4. At all elections for Representatives hereafter to be held, the Minister of the Interior is hereby authorized and empowered to establish a place for receiving the votes in said District composed of Kaanapali and Kahakuloa, Island of Maui, and to designate three suitable persons as inspectors to preside over and conduct the said election.

SECTION 5. This Act shall take effect immediately.

Approved this 2d day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER II.

AN ACT

TO CREATE AN ADDITIONAL PORT OF ENTRY AND DEPARTURE OF VESSELS FROM FOREIGN COUNTRIES IN THE COLLECTION DISTRICT OF KAWAIHAE, IN THE ISLAND OF HAWAII.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. Mahukona, in the Island of Hawaii and

collection district of Kawaihae, shall be and is hereby created an additional port of entry and departure of Vessels from foreign countries.

SECTION 2. This Act shall take effect and become law on the 1st day of July next ensuing.

Approved this 9th day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER III.

A PROPOSED AMENDMENT

TO ARTICLE 56 OF THE CONSTITUTION GRANTED BY HIS MAJESTY KAMEHAMEHA V ON THE 20TH DAY OF AUGUST, A. D. 1864, AS AMENDED AND APPROVED ON THE 13TH DAY OF MAY A. D. 1868, ACCORDING TO ARTICLE 80 OF THE CONSTITUTION.

That Article 56 of the Constitution be and the same is hereby amended so as to read as follows :

SECTION 56. The Representatives shall receive for their services a compensation to be ascertained by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the year in which it shall have been made, and no law shall be passed increasing the compensation of said Representatives beyond the sum of five hundred dollars for each session.

Approved on the 13th day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER IV.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO ESTABLISH THE COMPENSATION OF REPRESENTATIVES," APPROVED ON THE 24TH DAY OF JUNE, A. D. 1868.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1. That Section 1 of the Act entitled "An Act to establish the compensation of Representatives of the People," approved on the 24th day of June, A. D. 1868, be and the same is hereby amended so as to read as follows :

"SECTION 1. The Compensation of the Representatives of the People is hereby established at Five Hundred Dollars for each Session."

SECTION 2. This Act shall become a law from and after the date of its approval, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 22d day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER V.

AN ACT

TO AMEND SECTION 3 OF CHAPTER 22 OF THE PENAL CODE.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 3 of Chapter 22 of the Penal

Code be and the same is hereby amended so as to read as follows :

“SECTION 3. Whoever willfully and maliciously burns in the day time or night time the dwelling house of another is guilty of arson in the second degree, and shall be punished by imprisonment at hard labor for life, or any number of years in the discretion of the Court.”

SECTION 2. All laws and parts of laws in contravention herewith are hereby repealed.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 22d day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER VI.

AN ACT

TO AMEND SECTION 2 OF CHAPTER 10 OF THE SESSION LAWS OF 1880, APPROVED ON THE 13TH DAY OF AUGUST, A. D. 1880.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :

SECTION 1. That Section 2 of Chapter 10 of the Session Laws of 1880 be and the same is hereby amended so as to read as follows :

“SECTION 2. In cases where the offence is not of a highly aggravated character, the said Courts may punish the offender by fine not exceeding two hundred dollars, and by imprisonment at hard labor not exceeding two years, but in cases where such punishment would be in-

adequate the offender shall be committed for trial according to existing provisions of law.”

SECTION 2. All laws and parts of laws in contravention herewith are hereby repealed.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 22d day of May, A. D. 1882.

KALAKAUA REX.

CHAPTER VII.

AN ACT

TO AMEND SECTION 978 OF THE CIVIL CODE.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

That Section 978 of the Civil Code be and the same is hereby amended by striking out the words: “Notice of such insolvency or bankruptcy” in the eighth line thereof and substituting therefor the words “No reasonable cause to believe him to be insolvent or bankrupt,” so that the said section shall read as follows:

“SECTION 978. The bankrupt shall be divested of all his title and interest in his property from the day of his failure (except the necessary clothing of himself and family, and such other necessaries, not to exceed the value of three hundred dollars as the justice may designate), and every assignment, conveyance or transfer of his property, by him, after he shall have become insolvent or committed an act of bankruptcy, except upon a good consideration to a *bona fide* purchaser having no

reasonable cause to believe him to be insolvent or bankrupt, shall be void, and the property so transferred may be recovered and disposed of by the assignees for the benefit of the creditors.”

Approved this 5th day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER VIII.

AN ACT

TO RE-AMEND SECTION 892 OF THE CIVIL CODE AMENDED ON THE 30TH DAY OF JULY, A. D. 1878, TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT OF NORTH KOHALA, ISLAND OF HAWAII.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 892 of the Civil Code as amended on the 30th day of July, A. D. 1878, by inserting the words “And one of those appointed for the second District of Hawaii shall be Police Justice for the District of North Kohala,” be and the same is hereby amended so as to read as follows :

“SECTION 892. One of the District Justices appointed for the first District of Oahu shall, by appointment, be Police Justice for the Port of Honolulu ; and one of those appointed for the first District of Maui shall be Police Justice for the Port of Lahaina ; and one of those appointed for the second District of Maui shall be Police

Justice for the Wailuku District; and one of those appointed for the first District of Hawaii shall be Police Justice for the Port of Hilo; and one of those appointed for the second District of Hawaii shall be Police Justice for the District of North Kohala.”

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 5th day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER IX.

AN ACT

TO INCREASE THE PERMANENT SETTLEMENT ON HER MAJESTY QUEEN DOWAGER EMMA.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. From and after the date of the approval of this Act, Her Majesty Queen Dowager Emma shall be paid the sum of two thousand dollars per annum, in addition to the annuity provided by the Act approved on the 31st day of December, A. D. 1864.

SECTION 2. This Act shall become a law from and after the date of its approval.

Approved this 5th day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER X.

AN ACT

TO AUTHORIZE THE COMMISSIONERS OF CROWN LANDS TO CONVEY CERTAIN PORTIONS OF SUCH LANDS TO CLAUS SPRECKELS IN SATISFACTION OF ALL CLAIMS HE MAY HAVE ON SUCH LANDS.

WHEREAS, Claus Spreckels claims to be entitled to an undivided moiety of the lands known as Crown Lands, by virtue of a conveyance from Her Highness Ruth Keelikolani; and

WHEREAS, it is expedient and advisable that such claims should be satisfied or compromised; therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Commissioners of Crown Lands are hereby authorized and empowered to make proper deeds of assurance to the said Claus Spreckels, of the several lands specified in the schedule hereto, in full satisfaction and discharge of all claims the said Claus Spreckels may have or claim in the said lands known as Crown Lands.

SECTION 2. Before receiving such deeds or assurances, the said Claus Spreckels shall, by proper assurance, convey, relinquish and quit claim to the said Commissioners of Crown Lands, all his right and interest in and to the residue of the said Crown Lands.

SECTION 3. The Minister of the Interior is hereby authorized to prepare and deliver to the said Claus Spreckels a Royal Patent for the said land, to be conveyed to him.

THE SCHEDULE.

The Ahupuaa of Wailuku, in the Island of Maui, with the Ilis therein or thereunto belonging, and estimated to contain Twenty-four Thousand Acres or thereabouts.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XI.

AN ACT

TO AMEND SECTIONS 1 AND 3 OF AN ACT APPROVED ON THE 22D DAY OF JUNE, A. D. 1868, RESPECTING THE SLAUGHTER AND SALE OF BEEF, AS AMENDED BY AN ACT, APPROVED ON THE 18TH DAY OF JULY, A. D. 1874, AND FURTHER AMENDED BY AN ACT, APPROVED ON THE 15TH DAY OF SEPTEMBER, A. D. 1876.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 1 of the said Act be and the same is hereby amended so as to read as follows :

“SECTION 1. The Minister of the Interior may at any time license for the term of one year, any applicant to slaughter and sell beef, either in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolaupoko, Island of Oahu ; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui ; in the Island of Molokai ; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii ; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai ; upon receiving for such license the sum of twenty

dollars ; provided, however, that this section shall not be held to apply to salted or corned beef, brought from other parts of the Kingdom.”

SECTION 2. That Section 3 of the said Act be and the same is hereby amended so as to read as follows :

“SECTION 3. Whoever shall slaughter or sell beef in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolau-poko, Island of Oahu ; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui ; the Island of Molokai ; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii ; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai ; without first obtaining a license therefor as provided in Section 1 of this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars for each offence, in the discretion of the Court.”

SECTION 3. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XII.

AN ACT

TO PROVIDE FOR A PERMANENT SETTLEMENT FOR J. P. E.
KAHALEAAHU.

WHEREAS, J. P. E. Kahaleaahu has been in the employ of this Government, in the capacity of District Justice for Ewa and Waianae, Oahu, for many years, and no irregularities have ever been known to have existed in his office ; and having, during all that period, main-

tained a character for honesty and reliability; and whereas, he has become aged and enfeebled in the service of the Government; therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the sum of two hundred dollars per annum is hereby permanently settled upon J. P. E. Kahaleaahu during his lifetime; and the Minister of Finance is hereby directed to pay the same out of the Public Treasury in like manner with other salaries and appropriations, annually or by the month.

SECTION 2. The said J. P. E. Kahaleaahu shall be entitled to draw upon the Public Treasury for the pension provided for in Section 1, from and after the date of the passage of this Act.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XIII.

AN ACT

TO AMEND SECTION 11 OF CHAPTER 55 OF THE PENAL CODE,
RESPECTING DANCE HOUSES.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 11 of Chapter 55 of the Penal Code be and the same is hereby amended so as to read as follows:

“SECTION 11. The Minister of the Interior may, in his discretion, grant to any person applying therefor in writing, a license for one year, to keep a public dance house in the City of Honolulu, and in the town of Wailuku, Maui, upon receiving at the hands of such applicant, the sum of one hundred dollars, for the benefit of the Royal Exchequer; provided, however, that no such license shall be granted to any person holding a spirit license, keeping a store, tea shop, or billiard saloon, or to any person interested in such.”

SECTION 2. This Act shall become a law on the date of its approval.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XIV.

AN ACT

TO PROVIDE FOR THE HOLDING OF AN ADDITIONAL TERM OF THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. There shall be held on the first Thursday of September in every year, at Waiohinu, in the District of Kau, Island of Hawaii, a term of the Circuit Court of the Third Judicial Circuit of the Kingdom.

SECTION 2. Only cases arising within the Districts of Puna, Kau, North and South Kona, of the said Island of Hawaii, shall be heard at said term of the Court, but

cases arising within other Districts of the said Island of Hawaii may be heard by consent of parties.

SECTION 3. If there shall be only five cases or a lesser number to be tried at the term of the Court by this Act established, then it shall be lawful for the Chief Justice of the Supreme Court to order, giving due publication of the same, that the said term be not held, and that the said cases be transferred to be tried at the regular term of the Circuit Court to be holden at Waimea, in the Island of Hawaii, in November.

SECTION 4. This Act shall take effect upon its passage.
Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XV.

AN ACT

TO AMEND CHAPTER 3 OF THE SESSION LAWS OF 1878,
RELATING TO PASSPORTS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Chapter 3 of the Session Laws of 1878, entitled "An Act to amend Section 646 of the Civil Code relative to the filing of protests against issuing passports," be and the same is hereby amended so as to read as follows:

"That Section 646 of the Civil Code is hereby amended by adding a new clause to be entitled "Sixth" which shall read as follows:

"SIXTH. The written notice, complaint or protest and accompanying request not to grant a passport required by this section, shall be duly attested by oath as to the truth of the claim or debt owing by the person applying for a passport made before a Collector of Customs, or his deputy, of the port where application for a passport is made, and unless so attested shall have no effect against granting a passport, and after the expiration of ten days from the presentation of the said written notice, complaint and protest, it shall be the duty of the said Collector of Customs or his deputy to grant a passport to the person designated in said notice, complaint or protest, unless said Collector of Customs or his deputy shall, within this time be satisfied that in some Court having jurisdiction, a suit has been commenced to enforce the said claim or collect the said debt; and on receiving written notice thereafter of the termination of said suit or of the filing of an approved bond conditioned to pay the amount claimed by the person protesting against the issuing of such passport in case the suit shall terminate adversely to him, it shall be the duty of the said Collector of Customs or his deputy, to grant such passport, anything in this Act contained to the contrary notwithstanding."

SECTION 2. A passport shall not be refused to any laborer who may have served out a written contract to labor, or has been duly discharged from service by reason of any demand, claim or debt arising out of said contract to labor made by or owing to his employer or any person in his behalf.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XVI.

AN ACT

TO PROVIDE A PERMANENT SETTLEMENT FOR NIHOA, WIDOW
OF S. KIPI, DECEASED.

WHEREAS, S. Kipi and his wife were in the service of the Government for many years—from the time of Kaulikeaouli, Kamehameha III, and in the reigns of Kamehameha IV, Kamehameha V, Lunalilo, and of Kalakaua; and great confidence was reposed in him on account of his honesty and fidelity; and

WHEREAS, by the death of the Hon. S. Kipi, his widow is left desolate with a large family of children, and in needy circumstances; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the sum of three hundred dollars per annum is hereby permanently settled upon Nihoa Kipi during her lifetime; provided, however, that in case she shall marry again, then this provision shall become void and of no effect.

SECTION 2. The Minister of Finance is hereby directed to pay the said sum out of the Public Treasury in like manner with other salaries and appropriations annually or by the month.

SECTION 3. The said Nihoa Kipi shall be entitled to draw upon the Public Treasury for the pension provided for in Section 1, from and after the passage of this Act.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XVII.

AN ACT

TO PROVIDE A PERMANENT SETTLEMENT FOR THE HON.
H. KUIHELANI.

WHEREAS, the Honorable H. Kuihelani has long and faithfully served the Government, and no complaint has ever been made against him ; and

WHEREAS, he is now aged, and too feeble to continue in office ; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the sum of twelve hundred dollars per annum is hereby granted to the Honorable H. Kuihelani during the term of his natural life ; and the Minister of Finance is directed to pay said sum out of the Public Treasury in like manner with other salaries and appropriations, either annually or semi-annually.

SECTION 2. From the date of the approval of this Act it shall be lawful for the Honorable H. Kuihelani to draw upon the Public Treasury for the sum granted by Section 1 of this Act ; provided, however, that no part of said sum shall be paid until he shall have first released all claim to any other compensation for services rendered the Government.

SECTION 3. This Act shall become a law from the date of its approval.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XVIII.

AN ACT

TO AMEND SECTIONS 428 AND 429 OF THE CIVIL CODE, "OF THE NATURALIZATION OF FOREIGNERS."

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Sections 428 and 429 of the Civil Code be and the same are hereby amended so as to read as follows :

"SECTION 428. The Minister of the Interior, with the approval of the King, shall have the superintendence and direction of the naturalization of foreigners."

"SECTION 429. The said Minister, with the approval of the King, shall have the power in person upon the application of any alien foreigner who shall have resided within the Kingdom five years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, to administer the oath of allegiance to such foreigner if satisfied that it will be for the good of the Kingdom, and that such foreigner owns without encumbrance taxable real estate within the Kingdom, and is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer."

SECTION 2. This Act shall become a law from and after the date of its approval, and all laws and parts of laws in contravention herewith are hereby repealed.

Approved this 27th day of July, A. D. 1882.

KALAKAUA REX.

CHAPTER XIX.

AN ACT

TO PROMOTE THE ENCOURAGEMENT OF AGRICULTURE.

WHEREAS, it is expedient that the Government should devote a reasonable sum for the encouragement of agriculture, including the erection of factories for the preparation and preservation of fruits, as well as the erection of establishments for the pressing and otherwise preparing tobacco, and in other respects to encourage the agricultural production of the Kingdom ; and

WHEREAS, there are many valuable agricultural products and plants in foreign countries which are unknown in this Kingdom and which it is desirable that Government should import, including fruit bearing and other valuable trees and plants for distribution and growth in this Kingdom ; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Out of such sums as the Legislature shall appropriate for the encouragement of agriculture, including the erection of factories for the preparation and preservation of fruits, such as the pineapple, pear, peach, fig, apple and other valuable fruits, the Minister of the Interior is authorized to devote the requisite sum for the erection of a factory or factories for the purposes designed by this Act on application by any person, or any company duly incorporated, and undertaking to carry on the specified business for a term of not less than ten years.

SECTION 2. The encouragement of agriculture, as understood and provided for in this Act, shall include the sending abroad for varieties of fruits, either in plant or seeds, for introduction into this Kingdom; trees also, which may be of a valuable sort; the duty of procuring which from abroad and distributing to the public shall devolve upon the Minister of the Interior, the expense of which importation shall be defrayed out of the moneys which shall be appropriated by the Legislature for the encouragement of agriculture.

SECTION 3. The sum of five thousand dollars shall be inserted in the Appropriation Bill for the purpose of carrying out the provisions of this Act.

SECTION 4. This Act shall become a law on the date of its approval.

Approved this 3d day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XX.

AN ACT

RELATING TO THE HOSPITAL TAX LEVIED UPON PASSENGERS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1. The Trustees of the Queen's Hospital are hereby authorized and directed to reserve and apply to uses hereinafter mentioned the sum of two thousand and five hundred dollars per annum out of all moneys received by them as and for Hospital Tax levied upon and received from passengers arriving at the several ports of

this Kingdom ; anything in any existing law to the contrary notwithstanding.

SECTION 2. Such sum of two thousand and five hundred dollars per annum shall be used and applied by said Trustees in their discretion, for distribution among the various and charitable and benevolent societies in Honolulu for the relief of sick and indigent foreigners.

SECTION 3. This Act shall take effect and become law from and after the date of its approval.

Approved this 3d day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXI.

AN ACT

TO AMEND SECTION 2 OF CHAPTER 7 OF THE SESSION LAWS OF 1880.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 2 of Chapter 7 of the Session Laws of 1880, be and the same is hereby amended so as to read as follows:

“SECTION 2. The Minister of the Interior is hereby authorized to pay the expenses of said Board to an amount not exceeding the sum of ten thousand dollars for the biennial period including pay of President and Members of the Board, for advertising, purchase of books of genealogy, and of ancient history, traveling expenses, books of record, paper, pens, ink, establish-

ing the arms and insignia of chief families, searching for ancient relics which have been lost or concealed in places of concealment, and for ascertaining and preserving from violation the ancient places of sepulture of the chiefs, which sums shall be payable out of any monies in the public Treasury not otherwise appropriated by the Appropriation Bill.”

SECTION 2. This Act shall take effect and become a law from the date of its approval.

Approved this 3d day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXII.

AN ACT

TO RESTRICT THE ERECTION AND REPAIRING OF BUILDINGS
OTHER THAN THOSE BUILT OF FIRE-PROOF MATERIALS
WITHIN CERTAIN LIMITS IN THE CITY OF HONOLULU.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The word “building” when used in this Act shall mean and comprise any dwelling house, shop, store, warehouse, church, chapel, concert-room, hospital, theater, manufactory, work-shop, stable, privy or other building or erection whatsoever, and the words “hereafter to be built” shall apply to all buildings commenced after this Act shall come into operation, or which if commenced before this Act shall come into operation, shall not be covered in within one month thereafter.

SECTION 2. Any building hereafter to be built in the City of Honolulu within the limits specified in the schedule hereto (except such sheds as may be erected by the Government on the wharf frontage for wharf accommodation), shall have the external walls and roof thereof constructed of brick, stone, concrete, iron or other fire-proof material. Provided that if iron be used, the frame work shall also be constructed of iron.

SECTION 3. Any person who shall violate the provisions of this Act by constructing any building except of such materials as mentioned in Section 2, shall be deemed guilty of the offence of common nuisance, and may be proceeded against accordingly.

SECTION 4. This Act shall take effect and become law from and after the date of its publication.

SCHEDULE BEFORE REFERRED TO :

“All those parts of the City of Honolulu bounded by the water front, and by a line running from the said water front and eighty feet easterly from the building lying on the Ewa side of Nuuanu street to the makai side of King street, thence running along King street to a point eighty feet distant easterly from the Waikiki side of Fort street, and thence running eighty feet from the Waikiki side of Fort street to the water front.

“And also all those parts of the City of Honolulu comprising the lands now reclaimed or which may hereafter be reclaimed from the land of Waikahalulu makai of Queen street.”

Approved this 4th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXIII.

AN ACT

TO REGULATE THE RECEIPT, CUSTODY AND ISSUE OF THE PUBLIC MONEYS, AND TO PROVIDE FOR THE AUDIT OF PUBLIC ACCOUNTS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

PART I.—COLLECTION AND PAYMENT OF PUBLIC MONEYS.

SECTION 1. All persons who, by any law, regulation or appointment, are now, or shall hereafter, be charged with the duty of collecting or receiving revenue or other moneys on account of the Hawaiian Government, or with the duty of disbursing moneys on account of the Public Service, shall become and be “public accountants,” and shall perform all such duties and render such accounts as this Act prescribes, and as the Minister of Finance and Auditor General shall, from time to time, direct.

SECTION 2. Every such public accountant collecting or receiving revenue or other moneys aforesaid in Honolulu, shall pay weekly, or at such times as may be otherwise specially appointed, into the office of the Minister of Finance, all sums of money collected or received by him on account of the revenue or otherwise as aforesaid, accompanied by vouchers bearing his signature, and containing a full and accurate description of the services for which such sums shall have been collected or received, and unless otherwise specially directed, shall, not later than the tenth day after the expiration of each month, transmit to the Auditor General a return

in the form contained in the first schedule to this Act, with such particulars in each case as may be required by the Auditor General, of all moneys collected or received by him during the preceding month, and shall make and subscribe an oath in the form prescribed in such schedule.

SECTION 3. Every such public accountant collecting or receiving revenue or other moneys as aforesaid out of Honolulu, shall transmit or pay monthly, or at such times as may be otherwise specially appointed, in to the Minister of Finance all sums of money collected or received by him on account of the revenue or otherwise, as aforesaid, accompanied by vouchers bearing his signature, and containing a full and accurate description of the service for which such sums shall have been collected or received, and unless otherwise specially directed shall, on or before the fourteenth day after the expiration of each quarter, transmit to the Auditor General, by post or otherwise, a return in the form contained in the first schedule of this Act, with such particulars in each case as may be required by the Auditor General, of all moneys collected or received by him during the preceding quarter, and shall make and subscribe an oath in the form prescribed in such schedule.

SECTION 4. On the death, resignation or removal of any such public accountant, the balance of public moneys remaining in his hands shall, upon the appointment of his successor, unless otherwise directed by law, vest in such successor, and shall not in the event of death of any such public accountant constitute assets of the deceased, or be in any manner subject to the control of his legal representative.

SECTION 5. The Auditor General shall transmit to the Minister of Finance the name of any public accountant

or other person failing to comply with any of the provisions contained in Sections 1, 2 and 3 of this Act, and thereupon, and until such failure shall have been made good to the satisfaction of the Auditor General, all salary or other moneys that may be due and payable to such public accountant or other person shall be withheld, and the Auditor General shall, from time to time, communicate with the Minister of Finance upon all matters relating to the collection, receipt and expenditure of the public moneys under the operation of this Act.

SECTION 6. All moneys paid into the office of the Minister of Finance, as hereinbefore directed, shall be drawn therefrom in the following manner only, (that is to say) the Minister of Finance shall, as often as occasion may require, calculate the amount of moneys likely to become due and payable during a period not exceeding one month next after such calculation, and shall thereupon prepare an instrument in the form contained in the second schedule to this Act, and shall set forth therein the said amount, classifying and arranging it under the same divisions and heads that shall have been employed in the appropriation thereof, and after having signed such instrument, shall transmit the same to the said Auditor General, who shall, on ascertaining the facts required by the next succeeding section, countersign the same in the form contained in the same schedule.

SECTION 7. Before countersigning any such instrument as aforesaid, such Auditor General shall ascertain that the sums therein mentioned are then legally available for and applicable to the service mentioned in such instrument, and after countersigning such instrument shall return the same to the Minister of Finance. Pro-

vided that in case the said Auditor General shall find that the sums therein mentioned, or any of them, are not then legally available or applicable to the services or purposes therein set forth, he shall return the said instrument to the Minister of Finance for correction, attaching thereto a paper setting forth in writing the sum or sums not found by him to be legally available or applicable as aforesaid.

SECTION 8. When the said instrument shall have been returned to the Minister of Finance, he or the Registrar of Public Accounts may, from time to time, pay out of the public moneys in charge of the Minister of Finance all such sums not exceeding collectively the amount of the items set forth in the said instrument and any previous instruments.

SECTION 9. Every account shall be considered duly authorized that is in accordance with any existing law or regulation, or has been directly sanctioned by one or other of the responsible Ministers of the Crown, and covered by any Appropriation Act in force at the time of payment. Provided that such authorities shall not be held as extending to the computations and rates of charges unless expressly mentioned therein.

SECTION 10. The correctness of every account in regard to computations, castings, rates of charge, and the faithful performance of the services charged for shall be specially certified to by the officer incurring the expense, who shall be surcharged by the Auditor General the amount of any overpayment that may be made on the faith of the correctness of such officer's certificate.

SECTION 11. Unless expressly enacted to the contrary all sums of money which shall be appropriated to the public service for any biennial period, and which shall

not be expended during such period, or within the first three months thereafter, shall lapse, and shall not be issued or applied in any future biennial period to the particular service for which the appropriation shall have been so made, unless a contract or engagement shall have been made and entered into before the expiration of such biennial period by which a liability so to issue or apply the same shall have been incurred, and a certified copy of which contract or engagement shall have been deposited with the Auditor General.

SECTION 12. The Minister of Finance shall keep in his office a book, to be called the "Cash Book," with such subdivisions as he may deem fit, and shall enter or cause to be entered therein, daily, under specific heads, the several sums received from public accountants or others, and his several payments on account of the public service, and shall, on every day on which the Audit Office is open, send to the Auditor General a copy (to be called the "cash sheet") of so much of the said book as he shall not have previously sent to the said Auditor General, so that the said cash sheet shall not contain any entries of older date than four days previous to the day on which it is so sent, and with such sheet shall transmit the several vouchers and documents relating to the money so received and paid out.

SECTION 13. The Minister of Finance, as soon as conveniently may be after the expiration of every quarter of the financial period, shall publish in some public newspaper a statement in detail of the receipts and expenditures on account of the public service during such quarter, together with a comparative statement of such receipts during the corresponding quarter of the previous year, and in like manner at the expiration of the year

shall publish an annual statement of receipts and expenditure, with a comparative statement of such receipts during the previous year, and shall transmit copies of all such statements to the Auditor General.

PART II.—AUDIT OF PUBLIC ACCOUNTS.

SECTION 14. The Auditor General shall be appointed by the King in Privy Council, on the nomination of the Minister of Finance, and shall hold his office during good behavior; provided, nevertheless, that the King, with the advice of his Cabinet Council, may remove any Auditor General upon the address of the Legislative Assembly. Provided also, that at any time it shall be lawful for the King, with the advice aforesaid, to suspend the Auditor General from his office for incompetency or misbehavior, and when and so often as the same shall happen, a full statement of the cause of such suspension shall be laid before the Legislative Assembly, if it be then sitting; and if the Legislative Assembly be not sitting, then within seven days after the commencement of the next session thereof, and if an address shall at any time during that session be presented to the King by the Legislative Assembly, praying for the restoration of such Auditor General to his office, such Auditor General shall be restored accordingly; but if no such address shall be presented, it shall be lawful for the King, with the advice aforesaid, either to restore such Auditor General to his office, or to confirm such suspension, and to declare the office of such Auditor General to be and the same shall thereupon become and be vacant.

SECTION 15. The Auditor General, before he shall enter upon the duties or exercise the powers vested in him by this Act, shall make and subscribe before one of

the Judges of the Supreme Court an oath or declaration in the form of the third schedule hereto annexed, and every such oath or declaration shall be kept among the records of the said Court.

SECTION 16. The Auditor General shall not use, exercise or follow any profession or employment whatsoever during his tenure of office, and shall be paid such annual salary as the Legislative Assembly shall appropriate, which salary shall not be diminished during his continuance in office.

SECTION 17. In the case of the illness, suspension or absence of the Auditor General, it shall be lawful for the King, with the advice aforesaid, to appoint some other person to act as the deputy of such Auditor General during such illness, suspension or absence, and every such person shall make and subscribe an oath or declaration in the form last aforesaid, and shall, during the time for which he shall act as such deputy, have all the powers and perform all duties as such Auditor General.

SECTION 18. The Auditor General, on receipt by him of the returns required to be furnished by public accountants receiving or collecting moneys as hereinbefore provided, shall examine and compare the same with the said cash sheets, and with the said vouchers and documents, and shall allow and discharge every such public accountant for all sums shown to have been by him respectively received or collected, and duly paid into the office of the Minister of Finance, and shall disallow and surcharge such public accountant all sums willfully or negligently omitted to be received or collected by him, which under any law or regulation it was his duty to receive or collect, and all sums not duly paid in by him to the credit of the proper head of receipts in the said office,

and all such unsatisfied surcharges shall be transmitted by the said Auditor General to the Minister of Finance to be by him enforced against such public accountant.

SECTION 19. The Auditor General, on receipt by him of the cash sheet referred to in Section 13 of this Act, shall in the first place compare the debit and credit entries with the supporting vouchers and documents forwarded therewith, and examine their correctness as to rates, computations and castings; and in the next place examine the supporting vouchers as to whether they bear upon the face of them a correct description of the proper heads of receipts or expenditure to which the moneys mentioned therein have been debited or credited respectively; and in the next place, ascertain whether the moneys mentioned on the debit side of the said cash sheet have been duly paid into the office of the Minister of Finance; and whether the sums mentioned as paid on the credit side of the said cash sheet have been actually and duly disbursed under competent authority and on the prescribed certificates, and the Auditor General shall allow and discharge the Minister of Finance monthly for all receipts which shall be found correct in the particulars hereinbefore mentioned, and for all payments made and accompanied by the receipts or acquittances of the respective persons to whom such payments have been so made. Provided that no such payments shall be made by the Minister of Finance, or by his authority except sums voted for the civil list, permanent settlements and salaries unless the several accounts therefor shall have been previously countersigned by the Auditor General.

SECTION 20. In the examination of the cash sheet and all other documents produced as vouchers, or as subordinate vouchers, the Auditor General shall make such

queries and observations addressed to public accountants, officers certifying accounts, or persons in any way concerned, with the receipt of the disbursement of the moneys or funds referred to in this Act, and shall call for such further accounts, vouchers, statements, and explanations as he may think necessary, and after such queries and observations have been answered, and after such further accounts and explanations have been rendered the Auditor General shall disallow and surcharge all sums not duly credited to the proper fund and paid into the office of the Minister of Finance, and shall disallow and surcharge all sums disbursed in excess or not duly vouched and authorized, and shall forward to the Minister of Finance a statement of all such unsatisfied surcharges to be enforced by him against such public accountants, officers certifying accounts or other persons through whose default such surcharges have arisen.

SECTION 21. In all cases in which a public accountant may be dissatisfied with any disallowance or surcharge in his accounts made by the Auditor General, such public accountant shall have a right of appeal to one of the Judges of the Supreme Court at Chambers, who after such investigation as may by him be considered equitable may make such order directing the relief of the appellant wholly or in part from the disallowance or surcharge in question as shall appear to such Judge to be just and reasonable, and the Auditor General shall govern himself accordingly.

SECTION 22. No sum shall be allowed to have been duly received or paid without a written voucher for the actual receipt or payment of every sum so claimed to be allowed notwithstanding any allegation of papers having been lost or destroyed, or of the impossibility of obtain-

ing the prescribed voucher or vouchers except on application to one of the Judges of the said Supreme Court at Chambers, who after summoning the Attorney General and the Auditor General and such other persons as he may think fit, may upon satisfactory evidence being produced that the requisite papers have been lost or destroyed, or that it is not possible to replace them, shall order that the said sum shall be allowed or disallowed as the case may be and shall make such other order in the premises as he shall think fit, which order shall be binding on the Hawaiian Government and all other parties and be acted on accordingly.

SECTION 23. When a voucher produced for a sum of money disbursed shall be defective from the want of any certificate or other document which ought to have accompanied it or in any other particular, it shall be lawful for the Auditor General upon proof being made to his satisfaction that the public accountant did not willfully neglect to procure such certificate or document, and that the sum specified in the voucher has been actually and properly disbursed to admit such vouchers as a sufficient discharge of the said public accountant, and to allow the amount of the same to his credit.

SECTION 24. In all cases where any sum of money shall be disallowed in consequence of the absence of a written voucher or upon an imperfect voucher, or of an incorrect certificate, the particulars and amount of such disallowance shall be reported to the Minister of Finance by the Auditor General, and the amount thereof shall be retained or stopped from any moneys payable to such public accountant, and shall be deemed and taken to be money paid by the Hawaiian Government to the use of such public accountant at his request, subject to appeal

to one of the Judges of the Supreme Court as hereinbefore provided under Section 21.

SECTION 25. The Auditor-General, upon receipt of the annual statement of receipts and expenditures referred to in Section 13 of this Act, shall cause the same to be examined and shall within three months from the receipt thereof prepare and sign a report explaining such statement in full and showing in what particulars such statement agrees with or differs from the accounts of the Minister of Finance furnished to him under the provisions hereinbefore contained, and containing full particulars of every case in which the forms prescribed by this Act shall not have been adopted or shall in any manner have been varied or departed from, and of every case in which default shall have been made in accounting for public or other moneys, and of all sums disallowed in the absence of vouchers or upon imperfect vouchers or upon incorrect certificates and of any proceedings that may have been taken by or against any person in pursuance of the provisions herein contained.

SECTION 26. The Auditor General shall, within seven days after making and signing the said statement and report, if the Legislature be sitting, and if the Legislature be not sitting, then within seven days after its next meeting transmit to the Legislative Assembly the said document accompanied by such report and by the said copies hereinbefore directed to be appended thereto.

SECTION 27. It shall be lawful for the Auditor General in such yearly report, or in any special report which he may at any time think fit to make, to recommend any plans and suggestions that he may think worthy of adoption for the better collection and payment of the public moneys and the more economical auditing and

examining the public accounts and any improvements in the mode of keeping such accounts that may at any time be brought to his notice, and generally to report upon all matters relating to public accounts.

SECTION 28. The Auditor General is hereby authorized and empowered by precept under his hand in the form contained in the fourth schedule to this Act, or to the like effect, to require all such persons as he may think fit to appear personally before him at a time and place to be named in such precept, and to produce to him all such accounts, books and papers in the possession or control of such persons as shall appear to be necessary for the purposes of their examination; and it shall be lawful for the said Auditor General, and he is hereby authorized when he shall see occasion to cause search to be made in, and extracts to be taken from any book or record in the custody of the Minister of Finance, or in any public office, without paying any fee for the same.

SECTION 29. The said Auditor General is hereby authorized and required to examine upon oath (which oath he is hereby empowered to administer) all persons whom he shall think fit to examine touching the receipts and expenditure of money, and touching all other matters and things necessary for the due execution of the powers vested in him by this Act.

SECTION 30. Any person who shall fail to attend the said Auditor General for the purpose of being examined, or to produce any accounts, books, vouchers, or other documents, or to answer any other lawful question when required so to do by the said Auditor General, shall be liable to a penalty of not less than twenty-five dollars, nor more than one hundred dollars, on conviction before any Police or District Judge.

SECTION 31. If any person shall, in the course of his examination before the said Auditor General, willfully and corruptly give false evidence, such person so offending shall incur the same penalties as are or may be provided against persons convicted of perjury in the second degree.

PART III—MISCELLANEOUS PROVISIONS.

SECTION 32. The Minister of Finance and the Auditor General may frame and promulgate such regulations not inconsistent with this Act as may appear to be necessary for the due care and management of the public moneys, and for the more effectual record, check, and audit of all receipts and disbursements on account of of the public service by public accountants. And all such regulations shall be laid before the Legislature within fourteen days after the making thereof if the Legislature is then sitting, and if not, then within fourteen days after the next meeting of the Legislature.

SECTION 33. This Act shall take effect and become law on the 1st day of November next, but shall not apply to the school tax directed by law to be paid to the agents of the Board of Education.

SCHEDULES.

THE FIRST SCHEDULE.

Account of all moneys collected by.....
as.....from the.....
 day of.....to the.....day of.....
 18.., both days inclusive.

FROM WHOM RECEIVED.	TOTAL AMOUNT.	
TOTAL.....		

Settlement of the above collections with the Minister of Finance]:

DATE OF PAYMENT OR REMITTANCE.	HEAD OF RECEIPT ON ACCOUNT OF WHICH REMITTANCE IS MADE	AMOUNT.
TOTAL.....		

I,.....do solemnly swear that the above is a true and faithful account of all moneys collected by me as.....from the.....day of.....to the.....day of....., 18....., both days inclusive, and that I have paid over the whole amount to the Minister of Finance.

Sworn this.....day of....., 18.. before me.

THE SECOND SCHEDULE.

WARRANT.

To the Auditor General,

The amount of moneys likely to become due and payable out of the public accounts during..... now next is.....dollars and.....cents, and the services and purposes for which the same will be required are as follows, that is to say :

FOR SERVICES PAYABLE OUT OF THE PUBLIC REVENUE.	FOR SERVICES PAYABLE OUT OF THE LOAN FUND.	AMOUNT.	
HEAD OF APPROPRIATION.	PURPOSE.		
	TOTAL.....		

Dated this.....day of.....18..

.....

Minister of Finance.

I certify that the sums above mentioned are now legally available for and applicable to the services and purposes respectively above set forth.

Dated this.....day of.....18..

.....

Auditor General.

THE THIRD SCHEDULE.

I,.....do solemnly swear that according to the best of my skill and ability I will faithfully, impartially and truly execute the office and perform the duties of Auditor General.

(Signature.)

THE FOURTH SCHEDULE.

To.....

By virtue of the authority vested in me by an Act entitled "An Act to regulate the receipt, custody and issue of the public moneys and to provide for the audit

of public accounts," you are hereby required to appear before me at.....on.....and to bring with you for the purpose of examination a certain book (*or as the case may be*) and to be examined by and before me touching and concerning certain matters required to be investigated by me pursuant to the provisions of the said Act.

As witness my hand this.....day of.....18...

(A. B.) Auditor General.

Approved this 4th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXIV.

AN ACT

TO FIX THE PAY OF JURORS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1. From and after the date of the passage of this Act, the pay of Jurors shall be as follows: Two dollars for each day's attendance in Court; five cents for each mile of travel in coming to and returning from Court, and one dollar for every verdict returned.

SECTION 2. This Act shall become a law from and after the date of its approval, and the words "and Jurors' fees" in the seventieth line, and the words "Jurors shall

also be allowed fifty cents for every case in which they return a verdict" in the seventy-third and seventy-fourth lines, and the words "Jurors and" in the seventy-fifth line of Section 1280 of the Civil Code shall be and the same are hereby repealed.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXV.

AN ACT

TO AMEND SECTIONS 64, 65 AND 66 OF THE CIVIL CODE, AS AMENDED AND APPROVED ON THE 18TH DAY OF SEPTEMBER, A. D. 1876.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :

SECTION 1. That Section 64 of the Civil Code, as amended and approved on the 18th day of September, A. D. 1876, be and the same is hereby further amended so as to read as follows:

"SECTION 64. The Minister of the Interior may, at any time, license for the term of one year one or more suitable persons, except subjects of countries with which there are no treaties, in each taxation district, to be public auctioneers within the respective districts for which they receive their licenses."

SECTION 2. That Section 65 of the Civil Code as amended and approved on the 18th day of September, A. D. 1876, be and the same is hereby further amended so as to read as follows :

“SECTION 65. The price of an Auctioneer’s License for the District of Honolulu, Oahu, shall be the sum of five hundred dollars, and not less than one-half of one per cent. on each sale made, and for the other districts the price shall be such a per centage on the sales made as the Minister of Interior shall deem reasonable, not to exceed one per cent.”

SECTION 3. That Section 66 of the Civil Code as amended and approved on the 18th day of September, A. D. 1876, be and the same is hereby further amended so as to read as follows :

“SECTION 66. Every Auctioneer shall, upon receiving his license, give a bond to the Minister of the Interior in the penal sum of three thousand dollars, if the license be for the district of Honolulu, Oahu, and in the penal sum of five hundred dollars for other districts of the Hawaiian Islands, with good and sufficient surety or sureties to be approved by the Minister of the Interior, conditioned that he shall render a faithful account of all his sales according to law ; that he shall pay quarterly to the Minister of the Interior the amount of per centage established by his license ; that he will at no time make default in paying over to parties for whom he may have sold property the sums received by him from such sales, after deducting therefrom his commissions and expenses, and that he shall, in all things, well and truly conform to the laws relating to Auctioneers.”

SECTION 4. This Act shall become a law on the date of its approval, and all laws and parts of laws contrary to the provisions of this Act are hereby repealed.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXVI.

AN ACT

TO AMEND SECTIONS 913 AND 922 OF THE CIVIL CODE.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 913 of the Civil Code be and the same is hereby amended by striking out the words "by and with the advice of the Justices of the Supreme Court," so that the said section shall read as follows :

"SECTION 913. The respective Governors shall appoint one or more District Justices not exceeding two for each of the districts in their respective jurisdiction."

SECTION 2. That Section 922 of the Civil Code be and the same is hereby amended by striking out the words "with the approval of the Justices of the Supreme Court," so that the said Section shall read as follows :

"SECTION 922. The several District Justices shall receive for their services such compensation as the Legislature shall from time to time determine and appropriate; provided, however, that hereafter upon the appointment of any District Justice, it shall be lawful for the Governor appointing him to provide that such Justice shall receive as compensation in lieu of a fixed salary all the costs accruing and collected from cases tried before him."

SECTION 3. This Act shall become law from and after the date of its approval.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXVII.

AN ACT

TO PROVIDE FOR LICENSING DAIRIES, AND THE SALE OF MILK; AND FOR THE INSPECTION OF MILK IN THE CITY OF HONOLULU.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior is hereby authorized to issue a license to carry on the business of dairying, and for the sale of milk in Honolulu to any person applying therefor, for the term of one year, on receiving from such applicant the sum of twenty-five dollars, for the use of the Hawaiian Treasury.

SECTION 2. Any person who shall sell milk or offer the same for public sale in Honolulu without having obtained a license as prescribed in Section 1 of this Act shall, on conviction before a Police Justice, be fined not less than five dollars, nor more than twenty-five dollars.

SECTION 3. Any person who shall sell or offer for public sale in Honolulu milk which has been adulterated by the addition of water, or any other substance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars.

SECTION 4. The Agent of the Board of Health shall appoint one of its agents for the city of Honolulu to be Inspector of Milk. It shall be the duty of such Inspector to inspect from time to time milk sold or offered for sale in Honolulu. Said Inspector is hereby empowered, when he shall find milk which has been adulterated, to take

and confiscate the same forthwith ; and it shall be his duty to institute prosecutions therefor.

SECTION 5. The provisions of this Act shall not be held to apply to persons keeping a cow or cows for private use, who may dispose of surplus milk to neighbors, not offering the same at public sale.

SECTION 6. This Act shall go into operation thirty days after publication.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXVIII.

AN ACT

TO AMEND SECTION 1419 OF THE CIVIL CODE.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. That Section 1419 of the Civil Code be and the same is hereby amended by striking out all after the words "compelled to serve," in the seventh line, and inserting in place thereof the words "the remainder of the time for which he originally contracted," so that the section shall read as follows :

"SECTION 1419. If any person lawfully bound to service shall willfully absent himself from such service without the leave of his master, any District or Police Justice of the Kingdom, upon complaint made under oath by the master, or any one on his behalf, may issue a warrant to apprehend such person and bring him be-

fore the said Justice ; and if the complaint shall be maintained, the Justice shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.”

SECTION 2. This Act shall become a law from and after the date of its approval.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXIX.

AN ACT

TO AUTHORIZE A NATIONAL LOAN AND TO DEFINE TO WHAT USES SUCH LOAN SHALL BE DEVOTED.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of Finance, under the direction of the King in Cabinet Council, is hereby authorized to borrow on the credit of the Hawaiian Government, from time to time, during the period of three years after the passage of this Act, such sums not exceeding in the whole the sum of Two Million Dollars, for the purposes in this Act hereinafter set forth, for which sums the Minister of Finance may cause coupon bonds to be issued from time to time for such amounts each as he may deem advisable, such bonds to be issued at not less than par, and to bear interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to be exempt from any Government tax whatsoever, and to be

redeemable in not less than five nor more than twenty-five years, the principal and interest being payable in United States-gold coin or its equivalent.

SECTION 2. The loan so authorized shall be used and expended for the following purposes, that is to say :

Immigration for re-population.....	\$500,000
Government Buildings, including Hospitals.....	200,000
Filling in and reclaiming Water Lots in Waikahalulu...	50,000
Landings and Buoys.....	50,000
Making and building new roads and bridges.....	300,000
Sanitation of Honolulu.....	100,000
Marine Railway, Honolulu.....	40,000
Deepening Honolulu Harbor and entrance.....	150,000
Telephonic and telegraphic communication.....	100,000
Encouragement of Railways.....	150,000
Encouragement of Agriculture.....	360,000
Total.....	<u>\$2,000,000</u>

SECTION 3. All sums borrowed or authorized to be applied under this Act shall be paid to the Minister of Finance, and shall be by him placed to a separate credit to be called "The Loan Fund," and no part of the money shall, on any pretence, be paid, used or applied, directly or indirectly, either temporarily or otherwise, to or for any public use or purpose other than the purposes respectively to which the same is hereby directed to be applied.

SECTION 4. The Minister of Finance is hereby authorized from time to time to pay out of any money in the treasury not otherwise appropriated, the expenses of preparing the bonds to be issued under the authority of this Act, and the interest from time to time accruing on said bonds.

SECTION 5. The several items in the Appropriation

Bill of this session of the Legislative Assembly, amounting in the whole to one million and twenty-five thousand dollars, and appropriated for the following purposes, that is to say :

Roads, Bridges, and Pali Road.....	\$ 300,000
Custom House and Stores, Kahului.....	15,000
Custom House and Stores, Mahukona.....	15,000
Custom House and Stores, Hilo.....	15,000
Police Court, Public Works, Water Works, Tax Assessor, &c., buildings for.....	35,000
Fireproof Building for Supreme Court and other Records,	15,000
Building and repairs of Court Houses and Lock-ups.....	30,000
Marine Railway, Honolulu.....	50,000
The several items of Landings up to the amount of.....	50,000
Encouragement of Immigration.....	500,000
	\$1,025,000

Shall be charged upon and paid out of any moneys which may be borrowed under the authority of this Act, and any moneys which shall be paid by the Minister of Finance for any of the said purposes, before the receipt of any moneys under this Act, shall be repaid to the Minister of Finance when such moneys shall be borrowed.

SECTION 6. This Act shall come into operation and take effect from and after the date of its publication.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXX.

AN ACT

RELATING TO MINORS WHO ARE INMATES OF INDUSTRIAL
AND REFORMATORY SCHOOLS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. Whenever it shall be found that the continued detention or custody of any inmate of any industrial and reformatory school at such school shall be subversive of the order and discipline of the school, or injurious in any way to the other inmates of the institution, it shall be lawful for any Police or District Justice, on representation to that effect being made by any member of the Board of Education, its authorized agents or the principal teacher of any such school, to hear and determine any such case, and if proved to his satisfaction, said Justice is hereby authorized, in the place of further detention or custody at such school, to order that such minor be imprisoned, with or without hard labor, at some public gaol for any term not exceeding the unexpired residue of the time for which such inmate shall have been last committed to such industrial and reformatory school.

SECTION 2. If at any time after the commitment or transfer, as in the foregoing Section of this Act authorized, of any inmate of an industrial and reformatory school to a public gaol, it shall be found that such minor by his conduct gives reasonable proof of reformation, or for other good reason that shall be made to appear, it shall

be lawful for any Police or District Justice, after receiving satisfactory evidence thereof, to order the discharge of such minor from gaol or to return him to the custody of the Board of Education at some industrial and reformatory school whenever requested so to do by a member of the Board of Education or by its authorized agents.

SECTION 3. All costs incurred under the provisions of this Act shall be paid by the Board of Education out of any funds appropriated for industrial and reformatory schools.

SECTION 4. This Act shall become law and take effect from and after the date of its approval.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXI.

AN ACT

TO ADMIT FERTILIZERS FREE OF DUTY.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. From and after the publication of this Act, fertilizers of every description, whether natural or manufactured, applicable to the soil, shall be admitted duty free when imported into this Kingdom.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXII.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE CARRYING OF PASSENGERS AND FREIGHT AND THE LETTING TO HIRE OF CARRIAGES, WAGONS, CARTS, DRAYS, AND OTHER VEHICLES IN THE DISTRICT OF HONOLULU."

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the said Act shall be and the same is hereby amended by adding thereto the following words, that is to say,

SECTION 12. No person shall act as driver of or drive any licensed vehicle unless he shall hold a license for that purpose, and the owner of any such vehicle who shall allow any unlicensed person to drive the same, and any unlicensed person who shall drive any such vehicle shall severally on conviction forfeit and pay for every such offence a fine of not less than five dollars nor more than twenty-five dollars.

SECTION 13. Any person who may be desirous of obtaining a license as a driver shall apply to the Marshal or his Deputy, who on being satisfied that the applicant is a competent driver, shall grant to him a certificate to that effect; upon presentation whereof to the Minister of the Interior, shall receive a license accordingly. The fee for which shall be the sum of one dollar, and which license shall remain in force for one year.

SECTION 14. Any licensed owner or driver who shall violate any of the regulations made by the Minister of

the Interior under the authority of Section 3 of the said Act shall upon conviction forfeit and pay for every such offence a fine not exceeding twenty-five dollars.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXIII.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO FURTHER DEFINE THE NATURE AND OBLIGATIONS OF THE CONTRACTS AUTHORIZED BY SECTIONS 1417 AND 1418 OF THE CIVIL CODE," APPROVED ON THE 29TH DAY OF JULY, 1872.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 3 of the said Act shall be and the same is hereby amended by adding thereto the words "and no contract for labor hereafter to be made shall be penally enforced if more than fifteen dollars advance shall have been received by the servant, in case the term of such contract shall be not more than one year, or if more than twenty-five dollars advance shall have been received by the servant, in case the term of the contract shall be over one year. Provided, however, that such restrictions shall not apply to contracts made with immigrants where larger advances are required for the payment of expenses incident to the introduction of such immigrants into the Kingdom."

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXIV.

AN ACT

TO PROVIDE FOR THE SUPPRESSION OF DISEASE AMONG
ANIMALS IN THE HAWAIIAN KINGDOM.

WHEREAS, with the importing of live stock from foreign countries, several diseases hitherto unknown in the Hawaiian Islands have been introduced in this country which have spread abroad, whereby much valuable stock has been destroyed and large loss entailed on the owners thereof, and no specific regulations exist, or laws provide for protection therefrom; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior is hereby authorized and directed to establish at all the ports of entry in this Kingdom quarantine stations for animals.

SECTION 2. The Minister of the Interior is hereby authorized and directed to appoint competent persons, three for the port of Honolulu, and one for each of the other ports of entry of the Kingdom, who shall be designated "Inspectors of Animals," and from time to time when such offices for any reason shall become vacant, to re-appoint competent persons to fill the same. One of the three appointed for Honolulu shall be designated as the Executive Inspector. Such officers, for the purposes of this Act, shall possess all the powers, rights, privileges, and immunities of customs officers or officers acting under the Board of Health, and it shall be their duty to cause the various quarantine stations to be kept clean and properly fitted for use.

SECTION 3. The master of any vessel on which there shall have been shipped live animals for any port in this Kingdom shall, immediately upon arrival, notify the customs officers taking charge of the vessel of such fact, and said officer shall at once cause the inspecting officer to be notified, and shall not permit the landing of such animals nor of any portion of the food or water, nor of any effects connected therewith provided for them during the voyage, until the said inspecting officer shall have arrived, inspected and passed the same.

SECTION 4. All live animals, except such as canary birds and other small animals as shall be specially exempted by the inspecting officer, shall be subject, on arrival in this Kingdom from any foreign port or country, to be quarantined at the expense of the owner or consignee thereof, in such places as shall be appointed by the Minister of the Interior, for a period of not less than fourteen days, and for such longer period as shall be deemed necessary by the inspecting officer on account of the presence of some contagious disease or distemper, or because the port or country whence such animals are brought is affected with such disease or distemper, or for any other good and sufficient reason having reference to the public good. Whenever, after careful examination and attention, the inspecting officer shall find that such animal or animals are infected with any disease or distemper of a nature dangerous to the live stock of the country, he shall report the same to the Minister of the Interior, and if the Minister shall decide that the public interests require, he shall cause such animal or animals to be utterly destroyed; said Minister of the Interior may also cause all the food and other effects connected with such animals, independently of the animals themselves, to be destroyed.

SECTION 5. Live animals passing between the different Islands of the Kingdom may be quarantined as set forth in Section 3, either at the port of shipment or delivery, on good cause shown to the inspecting officer of the port of entry nearest to the port of shipment or delivery.

SECTION 6. The Minister of the Interior, notwithstanding anything in this Act, may from time to time, by proclamation declaring any port or country to be infected, absolutely prohibit the introduction of any animals therefrom until the restriction be removed.

SECTION 7. All imported animals, fodder, fittings or effects landed contrary to the provisions of this Act, or taken or removed from quarantine until duly discharged, shall be forfeited to the use of the Hawaiian Government; and all animals brought into such quarantine grounds, or placed with any animals under quarantine shall be deemed to come under the provisions hereof, and shall be subject to all of the conditions of the same.

SECTION 8. Any and all persons knowingly and willfully violating any of the provisions of this Act, or assisting in so doing, or who shall purchase, take and carry away any animal or animals, fodder, effects or fittings connected therewith before the same shall have been discharged by the inspecting officer, or shall knowingly and willfully have in possession any of the same, or shall impede or refuse to allow said inspecting officer to perform his duty, then such person or persons shall be liable to imprisonment at hard labor for any period not over six months or to a fine not over five hundred dollars, or both, and all such offences may be tried before any Police or District Magistrate.

SECTION 9. There shall be collected from the owner or consignee of animals inspected or quarantined under this Act. The said inspecting officers shall receive one dollar per head for all horses and cattle inspected, fifty cents for every sheep, and ten cents for every other animal inspected, which shall be paid by the owner or consignee of such animal of the inspecting officer in making original inspection, or when from the nature of the case such inspection shall be specially onerous or severe any further sum not to exceed five dollars per diem in addition, according to the judgment of the Minister of the Interior, besides the expenses of quarantine as aforesaid. One half of all fines and penalties collected hereunder shall be paid to the informer or prosecutor. The Minister of the Interior shall make such compensation to the inspecting officers as he shall deem just and proper. He shall also make such disbursements as shall be necessary for the proper maintenance of the quarantine stations and for such other incidental expenses as may arise from and out of the execution of this Act, including payment for animals and property destroyed as herein provided. After the payment of the one half of fines and penalties to informers, the remainder of the same, together with all other moneys received under this Act, shall be paid into the Hawaiian Treasury, to be used for the uses and purposes of this Act.

SECTION 10. The Minister of the Interior shall from time to time make and publish such rules and regulations as shall be necessary for the more efficient carrying into effect the provisions of this Act.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXV.

AN ACT

TO AUTHORIZE THE ESTABLISHMENT OF A SYSTEM OF POSTAL
MONEY ORDERS.

*Be it enacted by the King and the Legislative Assembly of
the Hawaiian Islands, in the Legislature of the Kingdom
assembled:*

SECTION 1. That the Postmaster General, with the consent of the Minister of the Interior, is hereby authorized to establish a domestic and foreign Postal Money Order System, for the receipt and payment of moneys by and through the mails within and without the Kingdom.

SECTION 2. The Postmaster General, with the consent of the Minister of the Interior, may establish rules and regulations providing for the transmission of orders for money through the mails, and the rate at which such orders for money shall be conveyed. The said rules and regulations so adopted, from time to time, by the Postmaster General, with the consent of the Minister of the Interior, shall have the force of law.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXVI.

AN ACT

TO INDEMNIFY THE MINISTER OF FINANCE.

WHEREAS, it appears by the Report of the late Minister of Finance that the sum of seven thousand seven hundred and seventy-seven dollars was paid to Her Royal Highness the Heir Presumptive, whilst acting as Regent, in excess of the amount appropriated for her in the Civil List, and

WHEREAS, the late Minister of Finance requests to be discharged from further liability on account of said expenditure ; therefore

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the said Minister of Finance, and all others legally responsible, are hereby indemnified and discharged from all liability on account of the expenditure detailed in the above preamble, and that the books of the Treasury be adjusted accordingly.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXVII.

AN ACT

TO PROVIDE FOR MORE EFFICIENT PROTECTION OF FEMALE BOARDING SCHOOLS.

WHEREAS, much annoyance has been caused to various Female Boarding Schools, and evil results have occurred in many instances to the inmates thereof from the unauthorized intrusion of lawless persons, for which no adequate punishment is provided by law, and more complete protection is needed for girls placed in such schools; therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :

Any person or persons intruding without proper authority upon the premises of any Female Boarding School, may be arrested by any constable without any warrant, and on the complaint of the principal or other person in charge of such school or of any trustee of the same, upon conviction thereof before any Police or District Magistrate may be punished by fine not to exceed two hundred dollars, or by imprisonment at hard labor not to exceed six months, or both, at the discretion of the Magistrate. Nothing herein shall be construed to preclude the punishment of the offender for any other offence committed on such premises, nor of the right of action for civil damages.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXVIII.

AN ACT

TO AMEND AN ACT APPROVED ON THE NINTH DAY OF AUGUST, ONE THOUSAND EIGHT HUNDRED AND EIGHTY, ENTITLED "AN ACT RELATING TO CORPORATIONS AND INCORPORATED COMPANIES ORGANIZED UNDER THE LAWS OF FOREIGN COUNTRIES AND CARRYING ON BUSINESS IN THIS KINGDOM."

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That Section 5 of the said be and the same is hereby amended so as to read as follows:

"SECTION 5. This Act shall not be deemed or construed to affect or be at variance with the provisions of an Act approved on the thirtieth day of July, A. D. 1878, entitled 'An Act providing for the service of process on foreign corporations.'"

SECTION 2. Provided however that any foreign corporation subject to the provisions of the said last mentioned Act which has failed to fill the designations required by such Act may do so within a period of six months from the time of the commencement of this Act on payment to the Minister of the Interior for and on behalf of the Hawaiian Government of the sum of ten dollars, and thereupon such foreign corporation shall be deemed to all intents and purposes to have fully complied with the provisions of the said Act.

SECTION 3. This Act shall take effect and become law from and after the date of its publication.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XXXIX.

AN ACT

TO AMEND ARTICLE 6 OF THE CIVIL CODE AND CHAPTER 18 OF SESSION LAWS OF 1878, RELATING TO THE POSTAL LAWS OF THIS KINGDOM.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled.

SECTION 1. That Section 398 of the Civil Code is hereby amended to be read as follows:

“SECTION 398. The Postmaster General shall appoint Postmasters in such port, cities, towns and villages as the public wants may require. He may also by and with the consent of the Minister of the Interior fix and arrange the compensation of said Postmasters in cases where from the nature of the services rendered by them it may be reasonable or needful to allow them such compensation.”

SECTION 2. That Section 401 of the Civil Code is hereby amended to read as follows:

“SECTION 401. No ship or vessel arriving at any port of these Islands where a Post Office is established, shall be permitted to report, make entry or break bulk until the master or commander shall have delivered to the

Postmaster at such port all letters directed to any person or persons within this Kingdom, which under his care or within his power shall be brought in such ship or vessel except such as are directed to the owner or consignee of the ship or vessel, and the Postmaster to whom such letters shall be delivered shall pay to said master or commander as remuneration therefor, such a sum of money as by the rules and regulations of the Universal Postal Union may be necessary, and it shall be the duty of the Collector or other officer of the port empowered to receive entries of ships or vessels to require from every master or commander of such ship or vessel an oath or affirmation purporting that he has delivered all such letters except as aforesaid. And if any commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this Article, he shall on conviction thereof before any Court forfeit for every such offence a sum not less than one hundred dollars nor more than five hundred dollars, and in default of payment his vessel shall be liable to seizure, condemnation and sale in order to satisfy such penalty. The master or agent of any ship or vessel about to leave any port of this Kingdom for any foreign port shall give due written notice of the day and hour of the intended departure to the Postmaster of such port, and shall make oath or affirmation of such notice before the Collector of the port before receiving clearance papers."

SECTION 3. That Section 404 of the Civil Code be and the same is hereby repealed.

SECTION 4. That Section 413 of the Civil Code is hereby amended to read as follows:

"SECTION 413. For the greater security of letters and

other mailable articles posted for transmission in the mails of this Kingdom, the Postmaster General shall be and he is hereby authorized and ordered to establish a uniform plan for the registration of such letters and other mailable articles on application of parties passing the same, and require from such parties the pre-payment of a registration fee of ten cents on every such letter or article, provided however that such registration shall not render the Post Office department or its revenue liable for the loss of such letters or articles or the contents thereof as far as the inter-island mails are concerned. But in case of the loss of a registered letter or article sent in any foreign mail—excepting, however, in cases of *force majeure*—the Postmaster General is hereby authorized and directed to pay as an indemnity the sum of ten dollars for each and every letter and article thus lost as provided by the rules and regulations of the Universal Postal Union.”

SECTION 5. That Class 2 of Section 4 of Chapter 18 of Session Laws of 1878, is hereby amended to read as follows:

“CLASS 2. On all newspapers, pamphlets, almanacs, calendars, corrected proofs, hand bills, magazines, maps, sheet music, occasional publications (not bound), posters and other publications (not bound), designed primarily for advertising purposes or free circulation, one cent for each four ounces or fraction thereof; where such matter is sent to or received from any foreign country, two cents on each two ounces or fraction thereof. Newspapers published in the Hawaiian Islands and mailed from the office of publication to the subscribers, free in the inter-island mails.”

SECTION 6. The Postmaster General by and with the

advice and consent of His Majesty the King in Privy Council, is hereby authorized to adopt and adhere to any and all the rules and regulations now adopted, and in force or that hereafter may be adopted by the Universal Postal Union, whether or not the said rules and regulations shall or may cause an increase or decrease in either the income or expenditure of the Post Office.

SECTION 7. This Act shall take effect and become a law from and after the date of its approval.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XL.

JOINT RESOLUTION,

FOR THE RELIEF OF THE BOARD OF GENEALOGY OF
HAWAIIAN CHIEFS.

WHEREAS, there is no appropriation made to meet the expenses of the Board of Genealogy of Hawaiian Chiefs as provided in an Act to amend Section 2 of Chapter 7 of Session Laws of 1880, approved August 3, 1882; therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

That the Minister of Finance be and he is hereby empowered and instructed to pay out of any moneys that may be in the Treasury, to the order of the Minister of the Interior on the requisition of the President of the

Board of Genealogy, such sums as may be required from time to time during this biennial period not exceeding in all the sum of ten thousand dollars.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLI.

AN ACT

TO AMEND CHAPTER 28 OF THE LAWS OF 1872, REQUIRING THE IDENTIFICATION OF PERSONS OFFERING ACKNOWLEDGMENTS TO INSTRUMENTS BY PROVIDING A PUNISHMENT FOR FALSE CERTIFICATE OF ACKNOWLEDGMENTS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

Chapter 28, of the Laws of 1872, shall be and the same is hereby amended by adding the following words at the close of Section 5 thereof:

Any officer authorized to take acknowledgments to instruments who shall knowingly incorporate in the certificate of acknowledgment any false or misleading statement as to the facts therein contained, shall on due proof thereof before any Police or District Magistrate be punished by fine not to exceed one hundred dollars or by imprisonment at hard labor not to exceed two months, or both. Nothing herein contained shall be construed to do away with the liability for civil damages for such Act.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLII.

AN ACT

TO REGULATE THE LICENSING OF COMMERCIAL TRAVELING AGENTS FROM FOREIGN COUNTRIES DOING BUSINESS IN THIS COUNTRY.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

1.—From and after the passage of this Act no person, agent or representative of any foreign commercial or manufacturing house, company or corporation, shall be licensed or permitted to sell goods, wares, or merchandise in the Hawaiian Islands without first filing with the Minister of the Interior a statement, giving the name of such foreign house, company, or corporation; also stating the place of domicile of such foreign house, company, or corporation, and the line of trade or manufactures in which it is engaged. Upon filing such statement duly verified, the Minister of the Interior shall upon application of such person or agent, and upon the payment of five hundred (\$500) dollars, grant a license to the applicant for a period of one (1) year to sell goods, wares, and merchandise in Honolulu, Island of Oahu. And upon any such person or agent of any foreign house, company, or corporation filing a statement with the Minister of the Interior, duly verified, as by this Act hereinbefore provided, and upon payment of two hundred and fifty (\$250) dollars, the Minister of the Interior shall issue a license to such applicant for a period of one (1) year to sell goods, wares, and merchandise in any other city, town, or district in the Hawaiian Islands, Honolulu

excepted. Provided, that no license granted under the provisions of this Act shall permit any person, agent, or representative to sell the goods, wares, or merchandise of more than one house, company or corporation; and no license so granted shall be transferable.

2.—Any person, agent, or representative selling goods, wares, and merchandise of any foreign house, company, or corporation in the Hawaiian Islands without first obtaining a license as herein provided shall be subject to arrest and prosecution, and, upon conviction, be fined five hundred (\$500) dollars. Any person, agent, or representative who shall make a verified false statement to the Minister of the Interior as to the name or domicile, or character of trade, merchandise, or manufactures of the house, company, or corporation that he represents, shall be deemed guilty of perjury, and, upon conviction thereof, be punished for the offence of perjury, as now provided by law.

3.—All laws, or parts of laws, inconsistent herewith are hereby and herewith repealed.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLIII.

AN ACT

TO CONSOLIDATE AND AMEND THE LAW RELATING TO
INTERNAL TAXES.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The several laws and parts of laws mentioned in the first schedule hereunto annexed shall be

and the same are hereby repealed; but nothing herein contained shall affect any things done, proceedings taken, penalties and liabilities incurred, appointments, orders, returns and regulations made, certificates granted, and boards constituted under the said repealed laws or any of them.

OF THE POLL TAX.

SECTION 2. An annual poll tax of one dollar shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and sixty years, unless the person be excused from such payment by law, or by the assessor of the district in which he resides, on account of infirmity or poverty.

OF THE SCHOOL TAX.

SECTION 3. An annual tax of two dollars for the support of public schools shall be paid by every male inhabitant of this Kingdom between the ages of twenty and sixty years, unless the person be exempted from such payment by law, or by the assessor of the district in which he resides, on account of age, infirmity or poverty, or unless he be a student actually in attendance at any of the high schools or colleges.

THE TAX UPON ANIMALS.

SECTION 4. All dogs shall be subject to a yearly tax of one dollar each to be paid by the owners thereof. Provided however, that the tax collector shall, upon the receipt of the amount of the tax from the owner of the dog, deliver to the said owner a metallic tag for each and every dog so paid for, which tag shall be stamped with the number of the year for which the tax shall have been paid, and stamped also with a number, which number shall be registered opposite the owner's name in the tax

collector's book, from one upward, for each taxation district, and the tax collector shall also collect from the said owner the further sum of ten cents for each and every tag given him as above.

SECTION 5. Every owner of a dog shall append or cause to be appended in a conspicuous manner to the neck of each and every dog owned by him a tag received from the tax collector as hereinbefore provided, or a tag stamped by the Government like that furnished to him by the tax collector, and every dog found without a tag so appended shall be destroyed by the police or constabulary force of the district.

SECTION 6. Any person who shall use a tag not furnished in accordance with the provisions of this Act, or who shall use the same tag during two successive years, or who shall counterfeit the tag delivered by the tax collector, or who shall fraudulently remove or cause to be removed a tag from the neck of any dog, shall upon the conviction of the same before any police or district justice, be fined not more than ten dollars or be imprisoned at hard labor not more than thirty days at the discretion of the Court.

SECTION 7. The Minister of Finance is hereby authorized to cause to be prepared a sufficient number of tags as provided for in Sections 4 and 5 of this Act. He shall cause to be charged to the tax collectors the number of tags issued to them respectively, and for which they shall be held responsible in the returns they make under the provisions of this Act.

SECTION 8. Every person having the custody or possession of any animal subject to taxation shall be deemed to be the owner thereof and shall be taxed for the same.

OF THE ROAD TAX.

SECTION 9. An annual road tax of two dollars shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and fifty, unless the person be exempted from such payment by law or by the assessor of the district in which he resides on account of infirmity or poverty.

SECTION 10. All carts and drays shall be subject to an annual tax of two dollars each, aside from value as personal property to be paid by the owners thereof.

SECTION 11. Provided always that all taxes received by virtue of Sections 9 and 10 shall be expended in the making, maintaining and repairing of the public roads and highways in the several districts wherein the same are collected and not to be expended in any other district.

SECTION 12. All carriages and wagons drawn by one or more horses or mules and used for the conveyance of persons, shall be subject to an annual tax of five dollars each, to be paid by the owners thereof.

OF THE TAX UPON PROPERTY.

SECTION 13. All real property in this Kingdom shall be subject to an annual tax of three-quarters of one per cent. upon the value of the same.

SECTION 14. The term "real property" for the purposes of this Act shall be deemed to mean and include all lands and town lots, with the buildings, structures, improvements and other things erected on or affixed to the same.

SECTION 15. All personal property within this Kingdom not subject to specific taxes shall be subject to an

annual tax of three-quarters of one per cent. upon the cash value of the same.

SECTION 16. The term "personal property" for the purposes of this Act shall be deemed to mean and include all household furniture and effects, goods, chattels, wares and merchandise, all ships and vessels whether at home or abroad, all moneys in hand, leasehold and chattel interests in lands and real estate, growing crops, public stocks and bonds, and all domesticated birds and animals not hereinbefore specifically taxed.

SECTION 17. All fire, marine and life insurance companies carrying on business in this Kingdom shall pay for and in respect of every one hundred dollars received by such companies respectively for premiums on policies issued by such companies during the year preceding the assessment, the sum of one dollar, and such companies shall not be charged with any other taxes or duties under this Act.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 18. The word "company" when used in this Act shall mean any corporation incorporated under the laws of this Kingdom, and foreign corporations carrying on business in this Kingdom or any co-partnership consisting of two or more persons carrying on business together.

SECTION 19. The property of a company shall be assessed to the company under its corporate or firm name, and the individual stockholders or members thereof shall not be liable to be assessed in respect of their individual shares or interests in such companies.

SECTION 20. The returns hereinafter required to be made shall when made by a company being a corporation, be made by the president, treasurer, secretary or manager, or if a firm by some member thereof.

SECTION 21. Every agent for any person who shall be temporarily or permanently absent from this Kingdom, and every trustee, treasurer, executor, administrator or guardian, shall be assessed separately in respect of each property or trust which he represents, and shall be chargeable with the tax payable in respect thereof, in the same manner as if such property were his own, and he shall be assessed respectively in his name as representative of the property or trust he represents, and such assessment shall be kept separate and apart from his individual assessment.

SECTION 22. Every agent, trustee, treasurer, executor, administrator and guardian shall be answerable for the performance of all such acts, matters or things as are required to be done by virtue of this Act, in order to the assessment of the property which he represents and paying tax thereon; and shall be under and subject to the like penalty or liability for any neglect, refusal or default as any other person, and is hereby authorized to recover from any person in whose behalf he is compelled to pay any tax, the amount so paid by him, or to retain out of any money which shall come to him in his representative character so much from time to time as shall be sufficient to pay such tax, and is hereby indemnified for all payments which he shall make in furtherance of this Act.

SECTION 23. The mortgagor of any property shall in respect of such property be liable to taxation only on the difference between the whole value of the property

mortgaged and the amount of the money due on the mortgage of the property. Provided always that the mortgagor shall append to the statement of the property belonging to him and required by this Act, a statement of the date of the mortgage and of the amount thereof, and the names and addresses of the respective mortgagees.

SECTION 24. In respect of the amount of the money due on such mortgage he shall pay the tax thereon, which payment shall be deemed to be a payment made by mortgagor to the mortgagee on account of interest, or of principal and interest as the case may be, and all money so paid by a mortgagor shall be allowed for in the accounts between the mortgagor and the mortgagee.

SECTION 25. The interest of every person in any property shall be separately assessed (except as hereinbefore provided in respect to shareholders in or members of companies) and every such person shall be liable to taxation in respect of the value of his interest in such property. Provided that in respect of real estate held in any tenancy exceeding a yearly tenancy, the interest of the owner of such real estate shall be estimated at a sum equal to eight years' rent received from such real estate.

SECTION 26. Notwithstanding the sale or the transfer or conveyance of any real estate, such property shall continue to be liable for the payment of any tax owing in respect thereof, so long as such tax shall remain unpaid.

SECTION 27. The interest of any person, as tenant, lessee, or occupier of any real estate that is exempt from taxation, shall be assessed to such person, who shall be liable to taxation in respect of such value.

SECTION 28. Except as provided by Section 25, the interest of any person in real or personal property shall

be estimated at a sum which such interest might reasonably be expected to bring at a sale by public auction for cash.

SECTION 29. The Minister of Finance, with the approval of the King, shall appoint annually, on or before the first day of July, an assessor for each taxation district of the Kingdom, whose duty it shall be, under the direction of said Minister, to make on or before the first day of September, a faithful assessment of all taxes imposed by law within their respective districts, and to furnish an accurate list of the same according to blank forms to be furnished by the said Minister, which shall exhibit the names of all persons assessed and the different items of taxation charged against them. In case of non-residents the list shall state their residence, if known, otherwise such residence must be described as unknown.

SECTION 30. Each assessor, on his appointment to office, shall take and subscribe before a Police or District Justice, or other officer authorized to administer oaths, an oath of office, a certified copy of which shall be immediately forwarded by such officer to the Minister of Finance. The oath shall be substantially in the following form:

I,, having been appointed assessor of taxes for the district of, on the Island of, do solemnly swear or affirm, that I will make a fair assessment of taxes in said district according to the best of my judgment and ability, and discharge all the duties of the said office according to law. So help me God.

SECTION 31. No assessor shall be entitled to receive any compensation for his services until a certified copy of his oath as aforesaid shall be received by the Minister of Finance.

SECTION 32. It shall be the duty of the assessor of each district to give public notice by written or printed advertisement to the residents of his districts, fixing a time and place during the month of July, at which such residents shall render to such assessor a statement of all property, real or personal, belonging to them or of which they had possession or control, on the first day of July, then preceding, and of all animals subject to taxation in their possession on that day, and of all persons in their employ on that day.

SECTION 33. Every person owning any property, real or personal, whether entitled to exemption or not, shall within the time prescribed in such notice as aforesaid, prepare and deliver to the assessor or at the place mentioned by him in such notice, a statement in writing signed by the person making the same.

I. Of the description, situation and value of the real and personal property belonging to such person, including moneys deposited with any bank or banking company or other persons of every kind and from every source, or of which such person had the possession, custody or control on the first day of July, then immediately preceding.

II. Of all mortgages, incumbrances and charges secured thereon respectively, with the names and residences of the persons to whom mortgages, incumbrances or charges are owing.

III. Of all animals and other property subject to taxation which were in the possession, custody or control of such person on the said first day of July.

IV. Of the names of all persons subject to taxation in the employ of such person on the said first day of July, to which the statement shall be added a declaration that the same is true and accurate in all particulars.

SECTION 34. Every agent of an insurance company shall, within the time heretofore prescribed, deliver to the assessor of the district in which said company shall carry on business a return showing the amount received for premiums during the year preceding on the said first day of July.

SECTION 35. If any person shall refuse or neglect to make and deliver to the assessor within the time prescribed, a statement containing the particulars required in Sections 33 and 34, or shall decline to make oath as to the accuracy of the same, the assessor may make such assessment according to the best information within his reach, and the same shall be final, binding and conclusive upon all parties, and shall not be subject to appeal.

SECTION 36. Every person making a return shall subscribe an oath to the following effect, which shall be sworn to before the assessor or any other person authorized to administer oaths without fee or reward to such person:

I solemnly swear that the list of persons in my employ, and of animals and other property in my possession, or owned by me, liable to taxation which I have given, is true to the best of my knowledge, information and belief. So help me God.

SECTION 37. It shall be the duty of each assessor, on or before the first day of September, in each year, to make and complete two copies of his tax list, as hereinbefore prescribed.

SECTION 38. It shall be the duty of each assessor to attend on at least six days between the first and fifteenth days of September, at some convenient place or places in his district, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, with his tax

list, which tax list shall, during such times, be open for the inspection of all persons liable to taxation in the district without fee or reward.

SECTION 39. It shall be the duty of each assessor to give written or printed public notice to be affixed in at least four conspicuous places in his district of the time and place at which his tax list shall be open for inspection, as provided in the last preceding section.

SECTION 40. Any person whose name may appear on such tax list and who shall have made his returns to the assessor as hereinbefore provided, and if entitled to exemption, shall have claimed such exemption, and who may deem himself aggrieved by any excess made by the assessor in the valuation of the property as returned or in the amount or character thereof, or whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return, or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the tax assessor on or before the first day of October, a notice in writing stating his grounds of objection to his assessment, or to such portion thereof as the objection applies to, and depositing therewith a sum for cost of appeal as follows:

SECTION 41. Where the exemption or reduction claimed from the tax list shall amount to two dollars or under, twenty-five cents for costs; over two dollars and under five dollars, fifty cents costs; over five dollars and under ten dollars, one dollar costs; and so on for every additional five or part of five dollars tax, fifty cents additional cost.

SECTION 42. On receiving the amount of costs the tax assessor shall grant to the person appealing a certificate

in the form hereinafter appearing, to be furnished to the assessor in blank by the Minister of Finance :

This is to certify that.....of this district is assessed for the year as follows :

Property tax....., value real....., value personal....., amount dog tax....., poll, school and road tax.....

That.....disputes.....and that I have received on deposit the sum of.....dollars for the costs of this appeal.

....., Tax Assessor,
..... District.

SECTION 43. The assessor shall, on or before the first day of September in each year, send written notices to those owners of real estate within their respective districts, who are non-residents of such district and within this Kingdom, describing the property assessed to them, and stating the proposed valuation.

SECTION 44. It shall be the duty of each tax assessor on receiving any notice of objection to forward the same to the President of the Board of Appeals of his district.

OF THE COURTS OF TAX APPEAL.

SECTION 45. The several Circuit Judges of the Second, Third and Fourth Judicial Circuits, and for the Island of Oahu, the Police Justice of Honolulu, together with two disinterested persons, to be appointed by the Minister of Finance for each taxation district, shall constitute a court of appeal, to hear and determine all appeals and objections duly taken under this Act in their several circuits or in the Island of Oahu, provided that no as-

essor shall be appointed to sit or act as a member of such Court.

SECTION 46. The said Courts shall hold a sitting in each taxation district during the month of October, at such times and places as the Presidents thereof shall appoint, and such Courts may adjourn from time to time as may be deemed necessary.

SECTION 47. The respective Circuit Judges and Police Magistrate, as the case may be shall preside at the meetings of the Courts; such meetings shall not be deemed public and the Court may exclude from any such meeting or require to withdraw therefrom all or any persons whomsoever.

SECTION 48. Every such Court shall in respect to the summoning and examination of witnesses and the production of papers and documents, and the punishment for contempts and carrying on the business of the Courts, have all the powers and authorities of a Circuit Judge at Chambers.

SECTION 49. To constitute a Court it shall be necessary that the President and one other member shall be present.

SECTION 50. The decision of the Court or of a majority of the members thereof shall be final and conclusive.

SECTION 51. The members of the said Courts shall receive and be paid out of the public treasury compensation for their services at a rate not exceeding five dollars per day for each day's actual attendance.

SECTION 52. The assessor shall alter or amend the taxation list in conformity with the decision of the Court, and shall forward one copy to the Governor, and one copy to the Minister of Finance.

SECTION 53. In the event of an appeal or objection being sustained in whole, the costs deposited shall be returned to the appellant, but if the appeal or objection shall be sustained in part only, the Court shall determine what if any portion of the costs shall be paid by the appellant.

OF THE COLLECTION OF TAXES.

SECTION 54. The several Governors under the direction of the Minister of Finance shall superintend the collection of all internal taxes within their respective gubernatorial districts, and shall pay over all taxes received by them, less the cost of collection, to the Minister of Finance. To this end the said Governors respectively with the approval of the Minister of Finance shall appoint annually one tax collector in each taxation district, and they may with the like approval control or remove such collectors at their pleasure.

SECTION 55. Such tax collectors before entering upon the discharge of their respective duties shall severally file with the Governor, a bond to the Minister of Finance, conditioned for the faithful performance of their duties according to law, with two sureties, to be approved by said Minister of Finance, in a penal sum equal to the amount of taxes to be collected by them as shown by the tax list, a certified copy of which shall be immediately forwarded to the Minister of Finance.

SECTION 56. The respective Governors shall deliver to each tax collector, having filed his bond as aforesaid, a copy of the tax list for his district, and said collector shall proceed immediately to collect the taxes in such district according to the same; provided, however, that it shall be his duty to add to said list any person or persons, or property not included therein liable to assess-

ment and to collect the taxes with which such persons may be chargeable.

SECTION 57. Each tax collector shall give public notice by advertisement in at least two newspapers, and by posting the same in at least three conspicuous places in his district, notifying the tax payers to pay him their annual taxes at such place or places in the district, and at such time or times during the months of November and December, not being later than the fifteenth day of December, as such notice shall appoint, and it shall be the duty of such tax collectors to attend at the times and places specified for the purpose of receiving such taxes. And each tax payer shall pay all taxes due by him to the collector on or before the fifteenth day of December, without any further notification or demand.

SECTION 58. If any tax payer shall fail or neglect to pay his taxes to the tax collector on or before the 15th day of December, the tax collector may levy the same by distress upon so much of the goods and chattels of such person as he may deem sufficient for the payment of the taxes due and expenses of collection, and sell the same upon the order of a District Judge or Police Magistrate, after a public notice of five days. Or the collector may sue for the amount of taxes in his own name, on behalf of the Hawaiian Government, with ten per cent. added thereto, in any District or Police Court notwithstanding the amount claimed, and execution may issue therefor the same as in ordinary civil suits. Provided that no property not especially exempt from taxation shall be exempted from levy and sale under such execution. And provided also that in case of personal taxes, if no property can be found whereon to levy, the defendant, if able bodied, may by sentence of said Judge or Magis-

trate to be imprisoned at hard labor, until he discharge the amount of his tax and costs at the rate of twenty-five cents per day.

SECTION 59. The collector shall keep all goods distrained at the expense of the owner, until the day of sale ordered by the District Judge or Police Magistrate, unless a bond be given for the production of the same at the time required by such order. Such sale shall be at public auction, and any overplus remaining after paying the taxes assessed and the costs of collection, as allowed by said Judge or Magistrate, shall be returned to the owner of the property, with an account of said sale, and the costs and charges thereof, if demanded.

SECTION 60. Any collector when resisted or impeded in the exercise of his office, may require any constable or other officer of police to aid him in the discharge of his duties, and if any such officer shall refuse to render such aid, he shall be subject to a fine not exceeding ten dollars and to removal from office on conviction before any District or Police Magistrate.

SECTION 61. It shall be the duty of each collector on or before the last day of December in each year, to pay over to the Governor of the Island in which his district is situated the amount of taxes by him collected with the exception of the school tax, which shall be paid over to the school treasurers, and any collector who shall have failed to do so at the time last specified shall be liable to forfeit ten per cent. of the amount of compensation for his services as collector, which forfeiture shall be at the discretion of the Minister of Finance; and it shall be the duty of the Minister of Finance to prosecute on or before the first day of February, the bond of any collector who shall have failed to pay over to the Gov-

error aforesaid the amount of taxes prescribed in the preceding sections.

SECTION 62. It shall be the duty of the respective Governors to hold the tax collector responsible for the full amount of taxes specified in their several tax lists, unless they shall file with the said Governors a sworn list containing the names, places of residence, so far as can be ascertained, and amount of taxes due from each person in their several districts, from whom after using due diligence they were unable to collect the taxes, in which case the said Governors are hereby authorized to deduct the amount of said taxes as sworn to from the amount of the assessor's tax list, and to hold the collector responsible only for the balance.

SECTION 63. Each tax collector who shall have faithfully discharged the duties of his office, and shall have paid on or before the last day of December to the Governor of the Island in which his district is situated, the amount of taxes by him collected, except the school tax, and each tax assessor who shall have faithfully discharged the duties of his office, shall respectively receive a compensation not exceeding five per cent. which shall be regulated by the Minister of Finance on the amount of taxes collected and paid over, and shall receive the Governor's draft on the Minister of Finance for the amount of such compensation.

SECTION 64. If any tax collector shall die, or shall have any disease rendering it improper for him to perform the duties of his office, before completing the collection of taxes for his district, the Governor with approval of the Minister of Finance, may appoint some person to complete the collection, who shall receive such reasonable compensation as such Minister of Finance may de-

termine; and such person shall have the same powers and duties, and may be under the same liability as other tax collectors; provided, however, that such liability shall only extend to the taxes remaining uncollected at the time of his appointment.

SECTION 65. In case of the death or the removal from office of any tax collector, it shall be the duty of his executors or administrators, and of all other persons into whose hands his tax list, or any of his taxes may come, forthwith to deliver the same to the hands of the Governor of his Island.

SECTION 66. It shall be the duty of the tax collectors to pay over to the school treasurers of their respective districts the amount of the school taxes collected by them, and to take from the school treasurers duplicate receipts for the amount paid to them, one of which receipts shall be immediately forwarded by the tax collector to the President of the Board of Education, and the collectors shall be responsible for the full amount of school taxes specified in their several tax lists, unless they shall file with the school treasurer a sworn list containing the names, places of residence and amount of school taxes due from each person in their respective districts from whom they have not been able to collect the school tax on account of death or other cause of inability to collect, and of his having left with the Police or District Justice for the purpose of collection a list of names of persons who have not paid their tax, in which case the school treasurer is hereby authorized to deduct the amount of taxes in the list so sworn to, and the collector shall be responsible only for the balance. The tax collector shall be entitled to receive from the school treasurer the same compensation for the collection of

the school tax as is provided by law for the collection of other taxes.

SECTION 67. The following persons shall be exempt from all internal taxes: His Majesty the King; the Diplomatic Agents of Foreign Countries and their Attaches duly made known to the Department of Foreign Affairs. The following persons shall be exempt from personal taxes: All clergymen of any Christian denomination regularly engaged in their vocation; all teachers of youth employed in public or private schools for more than six months of the year; all soldiers in actual service and all volunteer soldiers duly enrolled and actually doing duty; and active members in good standing of the Fire Department of Honolulu and other towns where a fire department now exists or may hereafter be organized; provided that the commanding officer of each such corps, and the secretary of the fire department shall deliver under oath to the assessor of the district a statement showing the names of the members of such corps or department as entitled to exemption on or before the second day of July in each year; and provided that no exemption shall be allowed from personal taxes unless the parties claiming such exemption shall notify the assessor of the district during the month of July of such claims and the grounds thereof.

SECTION 68. Real property belonging to the King or Queen, to the Government, to the Board of Education for the use of schools, to incorporated or private schools, to the Queen's Hospital, to religious societies for church sites and burying grounds, such church sites and burying grounds not to exceed five acres in extent, shall be exempted from taxation. Personal property belonging to the King or Queen, or to the Government, to the

Board of Education for the use of schools, to incorporated or private schools, and to the Queen's Hospital is also exempt. Provided always that the tax of three quarters of one per cent. hereinbefore imposed upon property shall be collected only upon property in excess of the value of three hundred dollars, be the same real or personal.

SECTION 69. The Minister of Finance shall have power and it is hereby made his duty to prescribe all needful rules and regulations for the assessment and collection of taxes, in cases where no such rules and regulations are definitely made by law; provided, however, that the same shall not be in contravention of any existing Statute or inconsistent with the Constitution.

PENALTIES.

SECTION 70. If any person liable to taxation under this Act does any of the following things: Knowingly and willfully makes and delivers any false statement of property, or makes any false answer in relation to his property for the purpose of evading assessment thereof, or by any falsehood, willful neglect, fraud, art or contrivance whatsoever used or practiced, evades or attempts to evade assessment of his property, every such person shall on proof thereof to the satisfaction of any District or Police Justice, be assessed and charged treble the amount of the tax of which such person would have been liable, and every such person shall also be liable to forfeit and pay a penalty of not less than twenty-five dollars nor more than five hundred dollars.

SECTION 71. Any person aiding or assisting in any manner whatsoever to commit any act contrary to the preceding section shall upon conviction before any Dis-

trict or Police Judge, be liable to pay a penalty of not less than twenty-five nor more than two hundred and fifty dollars.

SECTION 72. This Act shall come into effect and become law the first day of June, A. D. 1883.

The schedule hereinbefore referred to:

Articles XII, XIII and XIV of the Civil Code.

Sections 513 and 514 of the Civil Code.

An Act approved on the 13th day of July, A. D. 1860, entitled "An Act to amend Section 482 of the Civil Code."

An Act approved on the 4th day of August, A. D. 1860, entitled "An Act to amend the English version of Section 486 of the Civil Code."

An Act approved on the 30th day of June, A. D. 1860, entitled "An Act to amend the law in relation to the assessment and collection of taxes."

An Act approved on the 30th day of December, A. D. 1864, entitled "An Act to amend Article XIII of the Civil Code on the assessment of taxes by providing for more accurate assessment and taxation of animals and a penalty for the concealment of property."

An Act approved on the 31st day of December, A. D. 1864, entitled "An Act to amend Section 510 of the Civil Code."

An Act approved on the 6th day of July, A. D. 1866, entitled "An Act to exempt Volunteer Soldiers from certain taxes."

Chapter XXV of the Session Laws of 1870, being an Act entitled "An Act to amend Sections 483 and 484 of the Civil Code relating to taxes on personal property and real estate."

An Act approved on the 29th day of July, A. D. 1872, entitled "An Act to amend an Act entitled an Act to amend the law in relation to the assessment and collection of taxes approved on the 30th day of June, A. D. 1860."

An Act approved on the 29th day of July, A. D. 1872, entitled "An Act to amend Section 509 of the Civil Code."

An Act approved on the 13th day of July, A. D. 1874, entitled "An Act to amend Section 488 of the Civil Code."

An Act approved on the 8th day of August, A. D. 1874, entitled "An Act to amend the law in relation to the assessment and collection of taxes."

An Act approved on the 15th day of September, A. D. 1876, entitled "An Act to amend Section 485 of the Civil Code."

An Act approved on the 18th day of September, A. D. 1876, entitled "An Act to amend Section 500 of the Civil Code."

An Act approved on the 29th day of September, A. D. 1876, entitled "An Act to repeal Section 4 of an Act entitled an Act to amend the law in relation to the tax on animals, and to repeal Sections 481 and 497 of the Civil Code, approved on the 21st day of July, A. D. 1870."

An Act approved on the 29th day of September, A. D. 1876, entitled "An Act to amend Sections 483 and 484 of the Civil Code."

Section 2 of an Act approved on the 1st day of August, A. D. 1878, entitled "An Act to amend the statutes authorizing payment of road taxes to be commuted by labor."

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLIV.

AN ACT

TO REGULATE THE SALE OF SPIRITUOUS LIQUORS.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The several laws and parts of laws mentioned in the schedule hereto to the extent to which they are therein expressed to be repealed are hereby repealed except as to any proceeding under the said laws or any of them; and all offences committed and liabilities incurred before this Act shall come into operation shall be prosecuted and all licenses issued under the authority of the said laws shall confer the same rights as if this Act had not passed, but no more. Provided that persons holding licenses under Sections 18, 19, 20, 21 and 22 of Chapter 41 of the Penal Code may surrender such licenses in exchange for licenses under this Act upon paying a proportionate part of the license fee prescribed by this Act.

SECTION 2. The following words, unless where the contrary appears from the context, are used in this Act with meaning hereby assigned to them respectively:

“Spirituous Liquors” shall mean any wines, spirits, ale, cider, perry, beer or other fermented or distilled liquors and all liquor of an intoxicating nature. “Sunday” shall mean the time between 11 of the clock on the evening of Saturday and 5 of the clock on the morning of the succeeding Monday.

“The King in Council” shall mean His Majesty, by and with the advice and consent of his Privy Council.

But nothing in this Act shall apply to any person selling any spirituous or distilled perfume *bona fide* as perfumery ; nor to any duly qualified and licensed physician or surgeon, chemist or druggist who may administer or sell any spirituous liquors for medicinal purposes.

SECTION 3. The licenses issued under this Act shall be signed by the Minister of the Interior and sealed with the seal of his department, and shall not be transferable except as hereinafter provided, and shall be in force for one year from the date of issue.

SECTION 4. Whoever shall manufacture for sale any intoxicating drink or substance in this Kingdom shall be liable to a fine not exceeding five hundred dollars, and in default of payment of such fine shall be imprisoned at hard labor for a term not exceeding two years.

SECTION 5. Whoever shall distill any spirituous liquor in this Kingdom (except under a license issued pursuant to an Act approved on the 13th day of July, A. D. 1874, entitled "An Act authorizing the Minister of the Interior to grant to owners of mills for the manufacture of sugar licenses to distill spirituous liquor,") shall be liable to a fine of not less than fifty dollars nor more than one thousand dollars ; and in default of payment of such fine shall be imprisoned at hard labor for any term not exceeding two years.

SECTION 6. All spirituous liquors imported under the name of perfumery or preserved fruits with the intention of evading the laws relating to duties shall be liable to seizure, condemnation and sale for the benefit of the Public Treasury.

SECTION 7. All stills, distilling apparatus or other articles in use, except as provided in Section 5 of this

Act, or having been used in distilling spirituous liquor or other intoxicating drinks or substances within this Kingdom; and also all spirituous liquors and all other intoxicating drinks or substances manufactured for sale within this Kingdom shall be forfeited to the Hawaiian Government, and may be seized and taken possession of by the Marshal, Deputy Marshal, Sheriffs or their deputies, or by any constable; and all articles so seized by any other officer than the Marshal, Deputy Marshal or Sheriffs, shall without delay be delivered into the care of the Marshal, Deputy Marshal or Sheriff nearest the place of seizure who shall cause a notice of such seizure to be published in some newspaper, and unless the owner or some person authorized to claim possession thereof shall, within twenty days from the day of such notice of seizure, file with the officer having the same in possession a written claim to such property so seized, it shall be held to be condemned as forfeited to the Hawaiian Government; and in all cases where the owner or some person claiming the right of possession, shall file a written claim as herein provided, it shall be the duty of the Marshal, Deputy Marshal or Sheriff, having the property in possession, to furnish to the Attorney General a written statement of the facts, who is hereby authorized and required to take legal measures to have the question determined whether the property seized has been forfeited in accordance with the provisions of this section.

SECTION 8. The Minister of the Interior shall have power to grant a wholesale vending license for spirituous liquors to any person having a license to sell goods, wares and merchandise at wholesale, applying therefor in writing, and stating in his application the name of

the vendor and where the applicant intends to establish his place of business.

SECTION 9. The wholesale vending of spirituous liquors shall consist of selling the same in quantities not less than the packages originally imported and in no other manner. Provided that no part thereof shall be drank or used on the premises where they are sold or in any other house or premises contiguous thereto, procured or rented for that purpose by the party holding such license, or any other person or persons whatsoever through his agency under the penalty of forfeiting his license and incurring the penalties of the law and his bond.

SECTION 10. Before granting such wholesale license to vend spirituous liquors the applicant shall pay for the use of the Hawaiian Government two hundred and fifty dollars, and give a bond to the Minister of the Interior in the penalty of one thousand dollars with at least one sufficient surety to be approved by said Minister.

SECTION 11. The Minister of the Interior shall have power in like manner to grant licenses to be called "Dealers' Licenses" to any person for the vending of wine, ale and other spirituous liquors, upon such person applying therefor in writing and stating in his application the name of the vendor and where the applicant intends to establish his place of business.

SECTION 12. Any person having obtained a license in accordance with the preceding section may sell ardent spirits in quantities not less than one gallon, wines, ales and other liquors containing alcohol in quantities not less than one dozen bottles. Provided that the same and no part thereof shall be drank or used on the premises where they are sold or in any other house or prem-

ises contiguous thereto, procured or rented for that purpose by the party holding such license or any other person or persons whatsoever through his agency, under the penalty of forfeiting his license and incurring the penalty of the law and his bond.

SECTION 13. Before granting such license to any person to vend wine, ale and other spirituous liquors as prescribed in Sections 11 and 12 of this Act, the applicant shall pay to the Minister of the Interior for the use of the Royal Exchequer the sum of five hundred dollars, and give a bond to the Minister of the Interior in the penalty of one thousand dollars, with at least one surety to be approved by the said Minister.

SECTION 14. The Minister of the Interior shall have the power to grant licenses to retail spirituous liquors, upon application in writing, stating the name of the vendor and where the applicant intends to establish his place of business in each district.

SECTION 15. Before the granting of a retail license to vend spirituous liquors as contemplated in the preceding section, the applicant shall pay to the Minister of the Interior, for the use of the Hawaiian Government, the sum of one thousand dollars, and shall give a bond in the sum of one thousand dollars, with one sufficient surety to be approved by said Minister.

SECTION 16. Such last mentioned license shall authorize the licensee to sell and dispose of any spirituous liquors by the bottle or glass on the premises therein specified between the hours of five o'clock in the morning and eleven o'clock at night on every day except Sunday.

SECTION 17. The Minister of the Interior, by and with the consent of His Majesty the King in Privy Council, shall have the power, and it shall be his duty to fix the limits or boundaries within which those obtaining a license contemplated by this Act shall carry on and transact such business, and shall cause public notice to be given of the same and he shall designate in the license the house or store or place in which such licensed person shall be authorized to pursue his business, and the license so granted shall not be transferable except as hereinafter provided, or held to authorize such business to be carried on by any person or persons or at any other place than such as may be designated in the license. Provided that until His Majesty in Council shall recommend an alteration in the limits within which spirituous liquors may now be sold, such limits shall apply to licenses issued under this Act. And provided that His Majesty in Council may authorize the Minister of the Interior to grant and issue licenses for the vending of spirituous liquors at retail outside of the limits of the city of Honolulu, upon and subject to such terms and conditions as such Council may think proper, provided that the license fee shall be the same as provided by Section 15 of this Act.

SECTION 18. The sale and vending of spirituous liquors shall be regulated more definitely by the terms of the license, and the Minister of the Interior may prescribe in the license definite rules and regulations, to be observed by the vendors; provided that if any license shall be authorized or granted for any premises outside of the limits of the city of Honolulu, such license shall not authorize or allow the sale of spirituous liquors to be consumed off the premises for which such license shall be granted.

SECTION 19. All persons applying for a license under the provisions of this Act shall before receiving the same file a bond (in form similar to the following), the same being always subject to the approval of the Minister of the Interior:

“Know all men by these presents, that we..... principal, and.....surety, are held and firmly bound unto the Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of..... dollars lawful money, to be levied on our respective joint and several property in case the conditions hereinafter set forth shall be violated.

“For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, our executors, administrators and assigns.

“Sealed with our seals and dated this.....day of.....18...

“The condition of this obligation is as follows: That whereas the above bounden.....has this day applied for a license to vend spirituous liquors in accordance with the law approved on the.....day of.....18., entitled ‘An Act to regulate the sale of Spirituous Liquors,’ and has complied with all the requisitions of law, and has consequently been granted a license to vend spirituous liquors in accordance with such law for the term of one year from date. Now, therefore, if during the continuance of this license the said..... shall not be convicted of felony, perjury or other infamous offence, or of any offence against or violation of the revenue laws, or of any other offence under the said statute involving a forfeiture of the said license, a copy of which is hereto annexed, then this obligation shall be void. Otherwise upon proof being made to the

satisfaction of a District or Police Magistrate, without the intervention of a jury, the penalty mentioned in the bond shall be forfeited, and the license of the said.....
this day granted shall be void.

“Given under our hands and seals the day and year above written.

“In the presence of
”

SECTION 20. Upon the violation of any of the conditions of his bond by any licensed dealer in spirituous liquors, it shall be the duty of the Minister of the Interior to pass said bond to His Majesty’s Attorney General of the Kingdom for enforcement against the parties thereto, both principal and surety, with such information as has come to his knowledge in regard to any violation.

SECTION 21. The Minister of the Interior shall keep in a book of licenses, the names of all licensed vendors of spirituous liquors throughout the Kingdom, their respective places of abode, the character of the license granted to them, and the amount of license money paid by each, together with the date of such license.

SECTION 22. It shall not be lawful to issue a license for the retailing of spirituous liquors for any house or premises where any other business except that of a victualing house keeper under a license to such retailer is carried on, or that has any communication with any other house or premises where any business (except as aforesaid) is carried on.

SECTION 23. If any person shall (except as the agent or servant of a licensed person) sell or dispose of within this Kingdom any spirituous liquor, or shall permit or

suffer any spirituous liquor to be sold or disposed of by any other person within this Kingdom, without having first obtained in manner and form hereinbefore mentioned, a license authorizing such sale or disposal at the time and place and in quantity and manner in which such licensee is by such license authorized to sell and dispose of such liquor; every such person shall forfeit and pay for a first offence any sum not less than one hundred dollars nor more than five hundred dollars, and for every subsequent offence shall be imprisoned at hard labor for not less than three months nor more than six months, and shall also be subject to a penalty of five hundred dollars. Provided that every offence shall be deemed a first offence within the meaning of this section, unless it shall have been committed subsequent to previous conviction and within twelve months hereafter.

SECTION 24. If any holder of a license shall suffer any person to play any unlawful game or sport within the said licensed premises or the appurtenances thereto, or suffer any one to play at billiards or any other game in his house or premises on a Sunday, or permit prostitutes or drunken or disorderly persons to be on his premises, he shall forfeit and pay for every such offence any sum not exceeding one hundred dollars.

SECTION 25. Any holder of a license who shall sell or retail any spirituous liquor or permit or suffer the same to be drank in his house or premises on Sundays, shall be liable to a penalty not exceeding two hundred dollars. But this section shall not apply to the ordinary supplies furnished to *bona fide* boarders and lodgers in the house or premises.

SECTION 26. If any person holding a license under

this Act shall be convicted twice within a period of twelve consecutive months of any offence against the provisions of this Act, the Justice before whom such person has been convicted, shall by an order under his hand in the form in the second schedule declare such license to be forfeited, and the same shall thereupon be void, and it shall be the duty of the Attorney General to sue for and enforce the penalty of the bond given by such licensee, and such licensee shall be and be deemed incapable of ever again holding a license under this Act.

SECTION 27. No holder of a license shall either in his house or any of the appurtenances thereto, supply any spirituous liquor to any person in a state of intoxication, under a penalty for each offence of any sum not less than fifty nor more than two hundred and fifty dollars. And if any such intoxicated person remain more than three hours on such premises the holder of such license shall in each such case be liable to the same penalty.

SECTION 28. No holder of a retail license shall recover any debt or demand on account of any spirituous liquor supplied by him to any person for consumption on the premises, but the holder of such license may sue for and recover the value of any spirituous liquor supplied with meals to any person *bona fide* lodging or boarding in the house.

SECTION 29. If any holder of a retail license shall receive in payment or ask a pledge for any spirituous liquor or entertainment supplied in or from such licensed house anything except current money or checks on bankers, or orders for payment of money, he shall for each such offence pay a penalty not exceeding fifty dollars.

SECTION 30. If any holder of a license shall be convicted

of felony, perjury or any infamous offence or of any offence against the revenue laws, or if holding a retail license, he shall permit any person to manage, superintend or conduct the business of such during his absence for a longer period than forty-two consecutive days in any one year without the previous consent in writing of the Minister of the Interior, or shall whether present in such house or not, permit any unlicensed person to be in effect the keeper thereof or shall allow such house to become ruinous or dilapidated, then upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any District or Police Justice, such Justice shall by an order under his hand in the form of the second schedule declare such license to be forfeited, and the same shall thereupon cease. But if such house shall have become ruinous or dilapidated by reason of fire, tempest or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the reinstatement of such house.

SECTION 31. If any licensed person shall sell or offer for sale any adulterated spirituous liquor, he shall forfeit and pay for every such offence any sum not less than one hundred dollars, nor more than five hundred dollars. And in order to analyze such spirituous liquor, any Justice may on complaint on oath made to him that any such spirituous liquor is or is believed by such complainant to be adulterated, and on the deposit by such complainant of the sum of five dollars to defray the expense of such analysis authorize the seizure of such suspected spirituous liquor, and cause the same to be analyzed by some competent person, and the expenses of such analysis shall be a portion of the costs which such Justice shall order to be paid by the person convicted.

SECTION 32. Any District Justice, the Marshal, his Deputy or any Sheriff, Deputy Sheriff or Constable may seize and take, or cause to be seized and taken away, all such spirituous liquor as he or they shall have reasonable cause to suspect to be carried about, for, or exposed to sale in any highway or footpath, in any booth, tent, store or shed, or in any boat or vessel, or in any place whatsoever by any person not licensed to sell the same, and all the vessels and utensils used for containing, drinking or measuring the same, and any cart, dray or other carriage, and any horse or other animal used in draying or carrying the same, and any boat or other vessel used in the conveyance thereof. And such Justice on his own view or on proof of such offence by oath, may convict any person so offending, and on conviction he shall pay any sum not exceeding two hundred and fifty dollars, and be imprisoned at hard labor for any period not exceeding three months, and such Justice may adjudge such spirituous liquor, vessels and utensils containing the same, and any cart, dray or carriage, horse or other animal, and any boat or vessel used in conveying the same to be forfeited, and may direct the same to be sold, and the proceeds thereof after deducting the expenses of sale, to be appropriated in like manner as fines are by law directed to be appropriated. Provided that in all cases where liquor shall be carried or be in course of being carried, or be on the way from one place to another, the burthen of proving that such liquor was not so carried or being carried or exposed for sale shall be on the party so carrying the same.

SECTION 33. Any person not the holder of a license keeping up any sign, writing, painting, or other mark in or near his house or premises, or having his house or any

part thereof fitted up with a bar, or other place containing bottles or casks displayed so as to induce a reasonable belief that spirituous liquor is sold or served in such house or premises, or there being on such premises more spirituous liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of spirituous liquor by such person.

SECTION 34. Upon information on oath before any Police or District Justice by any person, that he believes that spirituous liquor is sold by any person without a license, or contrary to the provisions of this Act, in any house or place, such Justice shall grant his warrant to any constable to enter and search such house or other place and seize all such spirituous liquor as aforesaid as he shall then and there find, and any vessel or vessels containing such spirituous liquor, and detain the same until the owner thereof shall appear before such Justice to claim such spirituous liquor or vessels, and shall satisfy such Justice how and wherefore such owner became possessed of the same, or if such person after being summoned shall not appear, and if it shall appear to the said Justice after due inquiry that such spirituous liquor was in the said house or place for the purpose of being illegally sold or disposed of, then he shall adjudge such spirituous liquor and vessels to be forfeited and sold, and the proceeds after paying the expenses of such sale shall be appropriated in like manner as penalties under this Act.

SECTION 35. In all proceedings against any persons for selling or allowing to be sold any spirituous liquor without a license, such person shall be deemed to be unlicensed, unless he shall at the hearing of the case produce his license.

SECTION 36. The delivery of any spirituous liquor either by the owner or occupier, or by his or her servant or other person in the house or place, shall be deemed to be sufficient *prima facie* evidence of money or other consideration being given for such spirituous liquor, so as to support a conviction, unless proof to the contrary be given to the satisfaction of such Justice.

SECTION 37. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, or who being himself or herself intoxicated, shall be thus injured in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any licensed dealer in spirituous and intoxicating liquors, who shall by selling or giving spirituous or intoxicating liquors, have caused the intoxication in whole or in part of such person or persons, for all damages sustained and for exemplary damages. And a married woman shall have the same right to bring suits under this Act, and to control the same and the amount recovered as a *femme sole*. And all damages recovered by a minor under this Act shall be paid either to such minor or to his or her parent, guardian or next friend as the court shall direct.

SECTION 38. All suits for damages under the last preceding section may be by any appropriate action in any of the courts of the Kingdom having competent jurisdiction.

SECTION 39. No spirituous liquor shall be sold by auction upon any house or premises not licensed for the sale of spirituous liquors under this Act. Any auction-

eer or other person violating the provisions of this section shall be subject to the penalty hereinbefore prescribed for selling spirituous liquors without a license. Provided that nothing herein contained shall apply to the sale by auction of spirituous liquors in bond by sample, if the owner thereof shall be duly licensed for the sale of such spirituous liquors, and provided also that the Minister of the Interior may in his discretion authorize any licensed auctioneer to sell any such spirituous liquors by auction, when he shall be satisfied that the said liquors are the property of a private person, and are not sold for profit or by way of trade.

SECTION 40. Every person who being intoxicated shall enter any premises licensed for the sale of spirituous liquors, or being intoxicated upon said premises, shall not leave the same when requested by the licensee or by any person in his employ, may be arrested by any constable and shall on conviction pay a fine of ten dollars.

SECTION 41. Every person who shall be found drinking on any licensed premises during prohibited hours or on Sundays, shall be liable to the same penalty as the licensee is subject to for keeping open his licensed house at times not allowed by his license, and such persons may be arrested by any constable or peace officer.

SECTION 42. Any person who shall import into this Kingdom any spirituous liquors unless holding a license under this Act, or unless the same is for his own private use, shall on conviction before any police or District Justice be subject to a fine of five hundred dollars, and in default of payment may be imprisoned at hard labor for any term not exceeding two years.

SECTION 43. This Act shall take effect and become a

law on the first day of October next, and shall remain and continue in force up to and until the first day of January, which will be in the year one thousand eight hundred and eighty-five.

THE FIRST SCHEDULE.

Chapter 41 of the Penal Code.

The Act approved on the 29th day of July, A. D. 1872, entitled "An Act to make all persons retailing spirituous and intoxicating liquors liable in damages for injuries done or received by those becoming intoxicated on such liquors and as the result of such intoxication."

An Act approved on the 25th day of September A. D. 1876, entitled "An Act to amend Section 17 of Chapter 41 of the Penal Code.

THE SECOND SCHEDULE.

Be it remembered that on the....day of.....
A. D.....complaint was made before.....(District or
Police Justice) of.....A. B. being the holder of a....
license, for that (here set out the acts which have caused
the forfeiture) or proof was made to me that A. B. being
the holder of a....license, was twice within a period of
twelve consecutive months convicted under the provis-
ions of an Act entitled "An Act to regulate the sale of
spirituous liquors," (that is to say) on the....day of
.....A. D.....under the...section of the said Act,
and on the.....day of.....under the.....section of
the said Act. Now I do therefore adjudge that the said
license of the said.....shall be forfeited.

Given under my hand this....day of.....A. D....

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLV.

AN ACT

TO PROVIDE A PERMANENT SETTLEMENT FOR MRS. P.
NAHAOLELUA.

WHEREAS, Mrs. P. Nahaolelua, widow of the late Honorable P. Nahaolelua, is in feeble health and destitute circumstances; therefore,

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the sum of three hundred dollars per annum during life is hereby granted to Mrs. P. Nahaolelua, and the Minister of Finance is directed to pay the said sum out of the public treasury in like manner with other annuities and Government Appropriations, either yearly or monthly.

SECTION 2. It shall be lawful for Mrs. P. Nahaolelua to draw upon the public treasury for the sum mentioned in the first Section hereof, from and after the date of the passage of this Act.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

CHAPTER XLVI.

AN ACT

MAKING SPECIFIC APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE 31ST DAY OF MARCH, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FOUR.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The following sums amounting to \$3,563,-116.86 are hereby appropriated out of any money in the Treasury for the service of the biennial fiscal period, commencing with April 1st, 1882, and ending with March 31st, A. D. 1884.

CIVIL LIST.

His Majesty's Privy Purse and Royal State.....	\$ 50,000 00
Her Majesty the Queen.....	16,000 00
H. R. H. the Heir Presumptive.....	16,000 00
H. R. H. Princess Likelike.....	12,000 00
H. R. H. Princess Kaiulani.....	5,000 00
His Majesty's Chamberlain and Secretary.....	7,000 00
Household Expenses.....	20,000 00
His Majesty's expenses around the world.....	22,500 00

\$ 148,500 00

PERMANENT SETTLEMENTS.

Her Majesty Queen Dowager Emma.....	\$ 16,000 00
His Excellency P. Kanoa.....	2,400 00
Henry S. Swinton.....	600 00
H. Kuihelani.....	1,200 00
J. P. E. Kahaleaahu.....	400 00
Nihoa Kipi.....	600 00
Mrs. P. Nahaolelua.....	600 00

\$ 21,800 00

LEGISLATURE AND PRIVY COUNCIL.

Expenses of Legislature of 1882.....	\$ 25,000 00
Secretary of Privy Council.....	200 00
Incidentals of Privy Council.....	100 00
	<hr/>
	\$ 25,300 00

JUDICIARY DEPARTMENT.

Salary Chief Justice and Chancellor.....	\$ 12,000 00
Salary First Associate Justice	10,000 00
Salary Second Associate Justice.....	10,000 00
Salary Clerk Supreme Court.....	6,000 00
Salary Deputy Clerk.....	3,800 00
Salary Librarian and Copyist.....	1,500 00
Salary Interpreter Supreme and Police Courts.....	4,000 00
Salary Circuit Judge, Maui.....	4,000 00
(His traveling expenses).....	200 00
Salary Circuit Judge, Hilo and Kau.....	2,000 00
Salary Circuit Judge Kohala, Kona, etc.....	2,000 00
Salary Circuit Judge Kauai.....	4,000 00
Salary Police Justice Honolulu.....	6,000 00
Salary Police Justice Hilo.....	2,400 00
Salary Police Justice Lahaina	2,000 00
Salary Police Justice Wailuku.....	2,400 00
Salary District Judge North Hilo.....	800 00
Salary District Judge Puna.....	800 00
Salary District Judge Kau.....	1,200 00
Salary District Judge North Kona.....	800 00
Salary District Judge South Kona.....	800 00
(Balance of Salary due).....	75 00
Salary Police Justice North Kohala.....	1,600 00
Salary District Judge South Kohala.....	800 00
Salary District Judge Hamakua.....	1,200 00
Salary District Judge Honouaula.....	800 00
Salary District Judge Makawao.....	1,200 00
Salary District Judge Hana.....	1,000 00
Salary District Judge Lanai.....	600 00

Salary District Judge Molokai.....	\$ 1,000 00
(Traveling Expenses District Justice Molokai)....	50 00
Salary District Justice Ewa.....	800 00
Salary District Justice Waianae.....	800 00
Salary District Justice Waialua.....	800 00
Salary District Justice Koolauloa.....	800 00
Salary District Justice Koolaupoko.....	1,200 00
Salary District Justice Hanalei.....	1,000 00
Salary District Justice Kawaihau.....	800 00
Salary District Justice Lihue.....	1,000 00
Salary District Justice Koloa.....	800 00
Salary District Judge Waimea.....	800 00
Salary Clerk Second Judicial Circuit.....	600 00
Salary of Clerks Third Judicial Circuit.....	1,000 00
Salary Clerk Fourth Judicial Circuit.....	400 00
Expenses of Supreme Court.....	4,000 00
Expenses of witnesses in criminal cases to be allowed by presiding Judge at his discretion.....	1,500 00
Expenses Second Judicial Circuit.....	2,800 00
Expenses Third Judicial Circuit.....	3,000 00
Expenses Fourth Judicial Circuit.....	1,200 00
Purchase of Law Books.....	500 00
Stationery and incidentals of all Courts.....	1,500 00
Translating and Printing Reports Volume Four.....	5,000 00
Pay of Clerk Police Justice Honolulu.....	2,400 00
Pay of Chinese Interpreter and Translator.....	2,400 00
Pay of Messengers of Judiciary Department.....	2,000 00
	<hr/>
	\$122,125 00
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DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister.....	\$ 12,000 00
Salary of Secretary.....	6,000 00
Office expenses of Foreign Agents.....	3,000 00
Coronation of His Majesty the King.....	10,000 00
Reception of foreign official guests and incidentals.....	20,000 00
Expenses Foreign Missions.....	25,000 00

Envoy Extraordinary and Minister Plenipotentiary at Washington.....	\$ 12,000 00
Expenses incidental to Legation at Washington.....	5,000 00
Relief and return of indigent Hawaiians from abroad..	1,500 00
Salary of Messenger.....	1,000 00
Purchase of Decorations.....	4,000 00
Education of Hawaiian youths in foreign countries....	30,000 00
King's Guard.....	38,901 50
Aid to volunteer military companies.....	10,000 00
Drill shed.....	5,000 00
Band, flags and salutes.....	33,365 00
Arms and accoutrements.....	20,000 00
Purchase of Ordnance.....	15,000 00
National Museum.....	3,000 00
Purchase of books for Government Library.....	3,000 00
Government Librarian and Curator to the Museum....	2,000 00
	<hr/>
	\$259,766 50
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DEPARTMENT OF THE INTERIOR.

Salary Minister	\$12,000 00
Salary Chief Clerk.....	6,000 00
Clerk of Land Office.....	3,600 00
Third Clerk of Interior Department.....	3,600 00
Fourth Clerk of Interior Department.....	2,400 00
Salary Governor of Oahu.....	3,600 00
Salary Governor of Maui.....	3,600 00
Salary Governess of Hawaii.....	3,600 00
Salary Governor of Kauai.....	3,600 00
Salary Clerk Governor of Oahu.....	1,200 00
Salary Clerk Governor of Maui.....	1,600 00
Salary Clerk Governor of Kauai.....	1,000 00
Salary Clerk Governess of Hawaii.....	1,600 00
Salary Jailor of Oahu Prison	3,600 00
Guard of Oahu Prison.....	7,000 00
Salary Superintendent of Water Works and Clerk of Market.....	3,000 00

Salary Clerk Superintendent of Water Works.....	\$ 2,000 00
Market for Wailuku, Maui.....	2,000 00
Market for Hilo, Hawaii.....	2,000 00
Civil Engineer.....	8,000 00
Salary Superintendent of Public Works.....	6,000 00
Incidentals and traveling expenses of Engineer and Superintendent of Public Works.....	1,500 00
Salary of Postmaster General.....	8,000 00
Pay Clerks of Post Office.....	17,000 00
Pay of Postmasters.....	10,000 00
Pay of Mail Carriers.....	18,000 00
Incidentals of Post Office.....	8,000 00
Postal Money Orders.....	10,000 00
Marine Telephone Station.....	1,500 00
Pay Keeper Royal Mausoleum.....	600 00
Expenses Royal Mausoleum.....	250 00
Pay Keeper Lunalilo Mausoleum.....	500 00
Pay Janitor Aliiolani Hale.....	960 00
Pay Messengers Interior Department.....	2,000 00
Fire-proof safe Interior Department.....	600 00
Incidentals Interior Department.....	2,000 00
Incidentals Governors' Offices.....	500 00
Books and Stationery for Registration of Conveyances	300 00
Copying Records of Land Commission.....	2,400 00
Road Damages.....	15,000 00
Pay of Road Supervisors.....	14,400 00
Roads and Bridges:	
Honolulu.....	\$60,000 00
Koolaupoko	10,000 00
Koolauloa	9,000 00
Ewa.....	7,000 00
Waianae.....	3,000 00
Waialua	5,400 00
Road from Lahaina to Wailuku.....	30,000 00
Lahaina.....	8,000 00
Bridge at Honokawai, Kaanapali....	2,000 00
Wailuku	8,000 00

Makawao.....	\$ 5,000 00
Hana	7,000 00
Molokai.....	8,000 00
Lanai.....	1,000 00
North Kohala.....	7,000 00
South Kohala.....	4,000 00
Hamakua	10,000 00
North Kona.....	2,000 00
South Kona.....	2,000 00
Kau, from Punaluu to Kapapala.....	3,000 00
Other roads in Kau	4,000 00
Puna	4,000 00
Hilo.....	20,000 00
Koloa, improving road and landing..	4,000 00
Lihue, improving road and bridge at	
Nawliwili.....	3,000 00
Waimea, Bridge at.....	9,000 00
Waimea, breakwater at	2,000 00
Kawaihau.....	5,000 00
Waflua, bridge over stream at.....	10,000 00
Hanalei.....	5,000 00
Bridge at Hanalei.....	8,000 00
Niihau.....	1,000 00
Contingent.....	10,000 00
	—————\$276,400 00

Road Tax unexpended to be used in Districts where

Collected.....	\$37,759 03
Leper Settlement.....	90,000 00
Water Supply for Kalawao.....	10,000 00
Government Physicians and medical treatment.....	50,000 00
General Expenses Board of Health.....	35,000 00
Building and maintenance of Hospitals.....	50,000 00
Repairs and care of Quarantine.....	2,500 00
Custom House and Stores, Kahului.....	15,000 00
Custom House and Stores at Mahukona.....	15,000 00
Custom House and Stores at Hilo.....	15,000 00
Maintenance of Insane Asylum.....	15,000 00

Repairs and Extension of Insane Asylum.....	\$ 6,000 00
General Aid to Queen's Hospital.....	15,000 00
Aid to the Royal Hawaiian Agricultural Society.....	5,000 00
Encouragement of Agriculture, as per Bill.....	5,000 00
Government Survey.....	40,000 00
Kapiolani Park.....	5,000 00
Government Printing.....	4,000 00
Compiling, Printing and Binding Laws.....	5,000 00
Translating and Printing Master and Servants' Law in Hawaiian	125 00
Support of Prisoners.....	60,000 00
Honolulu Fire Department.....	28,000 00
Expenses Bureau of Water Works.....	5,000 00
Repairs and Additions to Water Works.....	82,300 00
Running Expenses of Steam Tugs.....	15,000 00
Anchors and Buoys.....	10,000 00
Landing at Honokaia.....	8,000 00
Wharf at Pelekunu.....	500 00
Landing at Honomalino.....	10,000 00
Landing at Honokaa.....	10,000 00
Landing at Koholalele.....	7,000 00
Landing at Honoapo.....	5,000 00
Landing at Holualoa.....	500 00
Landing at Hoopuloa and Napoopoo.....	1,000 00
Landing at Kailua and Keauhou.....	1,000 00
Wharf at Pukoo, Molokai.....	3,000 00
Wharf at Kaunakakai.....	3,000 00
Wharf at Kalaupapa.....	1,000 00
Landing at Makena.....	1,000 00
Landing at Heeia, Oahu.....	1,000 00
Wharf at Waimanalo.....	1,000 00
Landing at Kahului.....	5,000 00
Extension of Hilo wharf.....	5,000 00
Repairs of Wharf at Kaalualu.....	1,000 00
Extension of Wharf at Lahaina.....	4,000 00
Breakwater at Pohoiki.....	5,000 00
Landing at Waianae.....	2,000 00

Repairs of Landings.....	\$ 10,000 00
Wharf at Hookena.....	2,000 00
Wharf at Waimea, Kauai.....	2,000 00
Purchase of New Dredge.....	8,000 00
Wharf at Muolea, Hana.....	3,000 00
Dredging Honolulu Harbor and Entrance.....	15,000 00
Landing at Punahoa, Keanae, and Nuu, Hana, Maui..	2,100 00
Repairs of Wharves Honolulu.....	20,000 00
Repairs of Wharves at Punaluu, Kau.....	1,500 00
Filling in Waikahalulu.....	15,000 00
Completion of Light House Barber's Point.....	3,000 00
Repairs and running Expenses of Light Houses.....	7,500 00
Light House South Point of Hawaii.....	1,000 00
Repairs of Government Buildings.....	17,000 00
Repairs and Furniture for Aliiolani Hale.....	3,000 00
Police Court, Public Works, Water Works, Tax As- sessor, &c., buildings for.....	35,000 00
Kerosene Warehouse.....	7,000 00
Fire-proof building for Supreme Court and other records	15,000 00
Building and repairs of Court Houses and Lock-ups..	30,000 00
Completion and furnishing New Palace.....	47,500 00
Palace Stables.....	15,000 00
Encouragement of Immigration for repopulation as per Loan Bill.....	500,000 00
Nuuanu Pali Road.....	45,000 00
Marine Railway for Honolulu.....	50,000 00
Artesian Well Boring \$35,000 passed as follows:	
For North Kona	\$5,000 00
For Molokai.....	5,000 00
For Makua, Oahu.....	5,000 00
Artesian Well Boring.....	20,000 00
	<hr/>
	35,000 00
Pipe for Makiki well.....	3,000 00
Purchase of Lot Aliiolani Hale.....	1,500 00
Rent of Lot Aliiolani Hale.....	200 00
Rent of Aienui.....	2,400 00

Expenses filing certificates of boundaries.....	\$	200 00
Expenses of election.....		500 00
Additional Wash Houses.....		7,500 00
Care of Forests, Nurseries, improvement of lands and public places, as follows:		
Nurseries.....	\$8,000 00	
Emma Square.	1,000 00	
Thomas Square.....	3,000 00	
		<hr/> 12,000 00
Road Tax to be expended in the districts where col- lected, estimated.....		86,000 00
Indemnification of J. W. Kahuluna.....		31 33
For purchase of ancient feather cloak.....		1,200 00
For purchase of Lunalilo and Kekauluohi.....		200 00
For Chinese Translations.....		4,000 00
		<hr/> <hr/> \$2,174,925 36

FINANCE DEPARTMENT.

Salary of Minister.....	\$	12,000 00
Salary of Auditor General.....		10,000 00
Salary Registrar of Public Accounts.....		6,000 00
Salary Collector General.....		8,000 00
Salary Deputy Collector.....		5,000 00
Salary Statistical Clerk.....		3,600 00
Salary 2nd Statistical Clerk.....		3,000 00
Salary Surveyor and Guard.....		3,000 00
Salary Entry Clerk.....		2,400 00
Salary Store Keeper.....		3,600 00
Salary Collector Kahului.....		3,000 00
Salary Collector Mahukona.....		2,000 00
Salary Collector Hilo.....		2,000 00
Salary Collector Kawaihae.....		300 00
Salary Collector Kealakekua.....		100 00
Salary Collector Koloa.....		200 00
Salary Keeper Steamer Warehouse.....		1,200 00

Salary Keeper Kerosene Warehouse.....	\$ 480 00
Salary Surveyor and Guard, Kahului.....	2,000 00
Salary Surveyor and Guard, Mahukona.....	1,200 00
Salary Surveyor and Guard, Hilo.....	1,200 00
Assistant Guards.....	12,000 00
Incidentals of Custom House.....	3,000 00
Custom House Boat.....	1,200 00
Pay of Tax Assessors.....	28,000 00
Pay of Tax Collectors.....	26,000 00
Pay of Tax Appeal Boards.....	1,000 00
National debt falling due.....	69,300 00
Interest on National Debt.....	65,000 00
Hospital Fund, (estimated receipts).....	17,000 00
Incidentals Finance Department.....	3,000 00
Printing Certificates of Deposit.....	1,000 00
Stamps and Dies.....	500 00
Dog Tags.....	600 00
Messenger.....	1,000 00
Subsidy to Ocean Steamship Lines.....	50,000 00
Subsidy for steamer to make a semi-monthly trip round the Island of Hawaii subject to public tender and contract with the Minister of Finance.....	2,000 00
Return of double taxes.....	1,500 00
For J. C. Merrill.....	1,500 00
	<hr/>
	\$353,880 00
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DEPARTMENT OF ATTORNEY GENERAL.

Salary of Attorney General.....	\$12,000 00
Salary of Clerk.....	5,000 00
Salary of Marshal.....	8,000 00
Salary Clerk of Marshal.....	2,400 00
Salary second Clerk of Marshal, (Native).....	1,200 00
Salary Sheriff of Maui.....	5,000 00
Salary Sheriff of Hawaii.....	5,000 00
Salary Sheriff of Kauai.....	4,000 00
Salary Clerk Sheriff of Maui.....	1,600 00

Salary Clerk Sheriff of Hawaii.....	\$	1,600 00
Salary Police of Hawaii as follows :		
One native captain at \$70 per month in Hilo.....	\$1,680 00	
One foreign captain at \$70 per month in Hilo.....	1,680 00	
One deputy sheriff North Hilo at \$40 per month.....	960 00	
One deputy sheriff in Hamakua at \$80 per month.....	1,920 00	
One deputy sheriff in South Kohala at \$40 per month.....	960 00	
One deputy sheriff in North Kohala at \$80 per month.....	1,920 00	
One deputy sheriff for North Kona at \$40 per month.....	960 00	
One deputy sheriff for South Kona at \$40 per month.....	960 00	
One deputy sheriff for Kau at \$80 per month.....	1,920 00	
One deputy sheriff for Puna at \$40 per month.....	960 00	
Regular paid Police force.....	35,160 00	
Incidentals	500 00	
	<hr/>	49,580 00
Pay of Deputy Sheriffs and Police Island of Maui as follows :		
One deputy sheriff for Lahaina at \$90 per month.....	\$2,160 00	
One native Captain at Lahaina at \$50 per month.....	1,200 00	
One Deputy Sheriff at Wailuku at \$75 per month.....	1,800 00	
One Deputy Sheriff at Makawao at \$80 per month.....	1,920 00	
One Deputy Sheriff at Hana at \$40 per month.....	960 00	

One Deputy Sheriff at Honuaula at \$30 per month.....\$	720 00	
One Deputy Sheriff at Molokai at \$40 per month.....	960 00	
Regular paid police force.....	22,640 00	
	<hr/>	32,360 00

Pay of Deputy Marshal, Deputy Sheriffs, Police of
Oahu and lamps of Honolulu:

Pay of the Deputy Marshal.....	\$5,000 00	
One Captain at \$100 per month....	2,400 00	
Five police at \$90 per month each.	10,800 00	
Two Captains at \$50 per month each	2,400 00	
One Deputy Sheriff at Koolaupoko at \$50 per month.....	1,200 00	
One Deputy Sheriff at Waialua at \$50 per month.....	1,200 00	
One Deputy Sheriff at Koolauloa at \$30 per month.....	720 00	
One Deputy Sheriff at Waianae at \$30 per month.....	720 00	
One Deputy Sheriff at Ewa at \$40 per month.....	960 00	
Lamps in Honolulu.....	9,000 00	
Regular paid police force.....	52,360 00	
	<hr/>	85,760 00

Pay of Deputy Sheriffs and Police of Kauai:

One Deputy Sheriff of Kauai and Clerk to Sheriff at \$80 per month.....\$	1,920 00	
One Deputy Sheriff of Lihue at \$50 per month.....	1,200 00	
One Deputy Sheriff of Koloa at \$50 per month.....	1,200 00	
One Deputy Sheriff at Waimea at \$50 per month.....	1,200 00	
One Deputy Sheriff at Kawaihau at \$50 per month.....	1,200 00	

One Deputy Sheriff at Hanalei at	
\$50 per month.....	\$ 1,200 00
Regular paid police force.....	9,680 00
	17,600 00
Apprehension of Criminals.....	5,000 00
Incidentals.....	2,000 00
Coroners' Inquests... ..	1,200 00
Criminal Expenses.....	20,000 00
Armed Force Contingent Fund, to be expended by advice of the King and Cabinet Council, for the islands of Maui, Kauai and Hawaii.....	60,000 00
	\$319,300 00

BUREAU OF PUBLIC INSTRUCTION.

Salary of Inspector General.....	\$ 6,000 00
Traveling expenses of Inspector General.....	1,000 00
Salary Clerk Board of Education.....	6,000 00
Support of Hawaiian and English Schools.....	75,000 00
Support of Common Schools.....	10,000 00
Industrial and Reformatory School	10,000 00
Building and Repairs of School Houses.....	10,000 00
Aid to Hilo Boarding School	5,000 00
Building Girls' School at Waialua.....	10,000 00
Aid to Makawao School.....	2,000 00
Scholarships at Oahu College.....	720 00
Stationery and Incidentals.....	800 00
Pay of Messenger.....	1,000 00
	\$137,520 00

RECAPITULATION.

Civil List.....	\$ 148,500 00
Permanent Settlements.....	21,800 00
Legislature and Privy Council.....	25,300 00
Department of Judiciary.....	122,125 00
Department of Foreign Affairs... ..	259,766 50

Department of Interior.....	\$2,174,925 36
Department of Finance.....	353,880 00
Department of Attorney General.....	319,300 00
Bureau of Public Instruction.....	187,520 00
	<hr/>
	\$3,563,116 86
	<hr/> <hr/>

SECTION 2. The Minister of Finance shall credit the Appropriations of the last biennial fiscal period all the amounts appropriated by the Act approved on the 30th day of July, A. D. 1880, and remaining unexpended on the 31st day of March A. D. 1882, not otherwise re-appropriated, and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay the salaries appropriated by this Act, the compensation of soldiers and constables, the compensation of school teachers and the current expenses of the Bureau of Education, the Board of Health, the expenses of the Fire Department, of the Supreme Court, and Circuit Courts, Government Stocks and the interest accruing thereon, the support of Prisoners and the expenses of the Leper Settlements until the 30th day of June A. D. 1884, unless new Appropriations are made before that date.

SECTION 4. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for objects not provided by this law.

SECTION 5. No person holding more than one office for which salaries are provided shall be authorized to draw more than the salary of the highest grade of office

held by him, if the salary of any office held by him shall amount to two thousand dollars or more per annum, and he shall be entitled to no other, or further compensation.

SECTION 6. This Act shall take effect and become a law from and after the date of its approval.

Approved this 7th day of August, A. D. 1882.

KALAKAUA REX.

PROVISIONAL CONVENTION

BETWEEN

PORTUGAL AND THE HAWAIIAN ISLANDS.

His Majesty the King of the Hawaiian Islands and His Majesty the King of Portugal and of Algarves, equally desirous of binding and strengthening the relations of friendship and commerce which happily exist between their respective States, have resolved to conclude a Convention to regulate temporarily these relations, until a definite treaty can be made, and for this purpose have appointed their Plenipotentiaries namely:

His Majesty the King of the Hawaiian Islands, Mr. Henry A. P. Carter, member of His Privy Council of State, Grand Officer of the Royal Order of Kalakaua, His Envoy Extraordinary and Minister Plenipotentiary at this Court:

And His Majesty the King of Portugal and of the Algarves, Mr. Antonio de Serpa Pimental, Counselor of State, Peer of the Realm, Minister and Secretary of State of Foreign Affairs:

Who, after communicating each to the other their full powers, which they found in good and due form, agreed to the following:

ARTICLE I.

The Consular Agents, the subjects, the ships and products of the soil, or of the industry of one of the two countries will enjoy on the territory of the other the same exemptions, privileges and immunities which other

Consular Agents, subjects, ships, and other products of the soil, or of the industry of the most favored nation enjoy.

ARTICLE II.

It is, therefore, understood that the special advantages which Portugal may judge convenient to grant to Brazil, cannot be claimed by the Hawaiian Islands, in virtue of their right as a favored nation, and that in the same way, the advantages which these Islands grant to the United States cannot be claimed by Portugal.

ARTICLE III.

The High Contracting Parties, equally desirous of conciliating individual liberty with regard to the contract for service with the regulations necessary to be adopted to regulate conveniently the emigration, agree that until a definite convention is made for the purpose, the following conditions be observed:

1. That the two Governments will render mutual help to oblige the captains of vessels which transport emigrants from one country to the other to observe the regulations in force in the country where the emigrants embark, with regard to the space which every one ought to occupy, the quantity and quality of food, medicine, and all sanitary and hygienic conditions.

2. That in view of this, the Diplomatic or Consular Agents of each of the two countries will be given all the facilities to inspect the vessels that arrive with emigrants to the ports of the other country, and see if the respective captains have complied with the regulations to which the preceding clause refers.

3. That to the same Diplomatic or Consular Agents

shall be equally given all the facilities that they may satisfy themselves whether the contracts for service of their countrymen have been fulfilled, and to secure for them, in case of violation, all the protection of the laws and of the local authorities.

ARTICLE IV.

The present Convention shall be ratified and the ratifications shall be exchanged in Honolulu or in Lisbon as soon as possible.

ARTICLE V.

The present Convention shall take effect sixty days after the ratifications are exchanged, and will remain in force until one of the high contracting parties shall notify the other of its intention to abrogate the Treaty remaining in force (after) one year after this notice, counting from the date of the notification.

It is understood that in all respects when not depending on Legislative authority, the present Convention shall come into effect in the Hawaiian Kingdom as soon as approved by the Hawaiian Government, and in Portugal, as soon as such approval shall be notified to the Portuguese Government.

In testimony of which the respective Plenipotentiaries hereby sign and place their respective seals.

Made in Lisbon in duplicate, on the fifth day of May, in the year of our Lord eighteen hundred and eighty-two.

[L.S.]

ANTONIO DE SERPA PIMENTAL.

[L.S.]

HENRY A. P. CARTER.

And Whereas, We, Kalakaua, have fully examined all the points and articles thereof, by and with the advice of

our Cabinet Council, We have confirmed and ratified the foregoing Provisional Convention, and we do confirm and ratify the same in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfill and observe it faithfully and scrupulously in all its clauses. In faith of which We have signed this ratification with our hand, and have fixed thereto the great Seal of our Kingdom.

Done at Our Palace of Iolani in the city of Honolulu,
 this twenty-sixth day of August, in the
 { L. S. } year of Our Lord one thousand eight
 hundred and eighty-two, and the eighth
 year of Our Reign,

KALAKAUA REX.

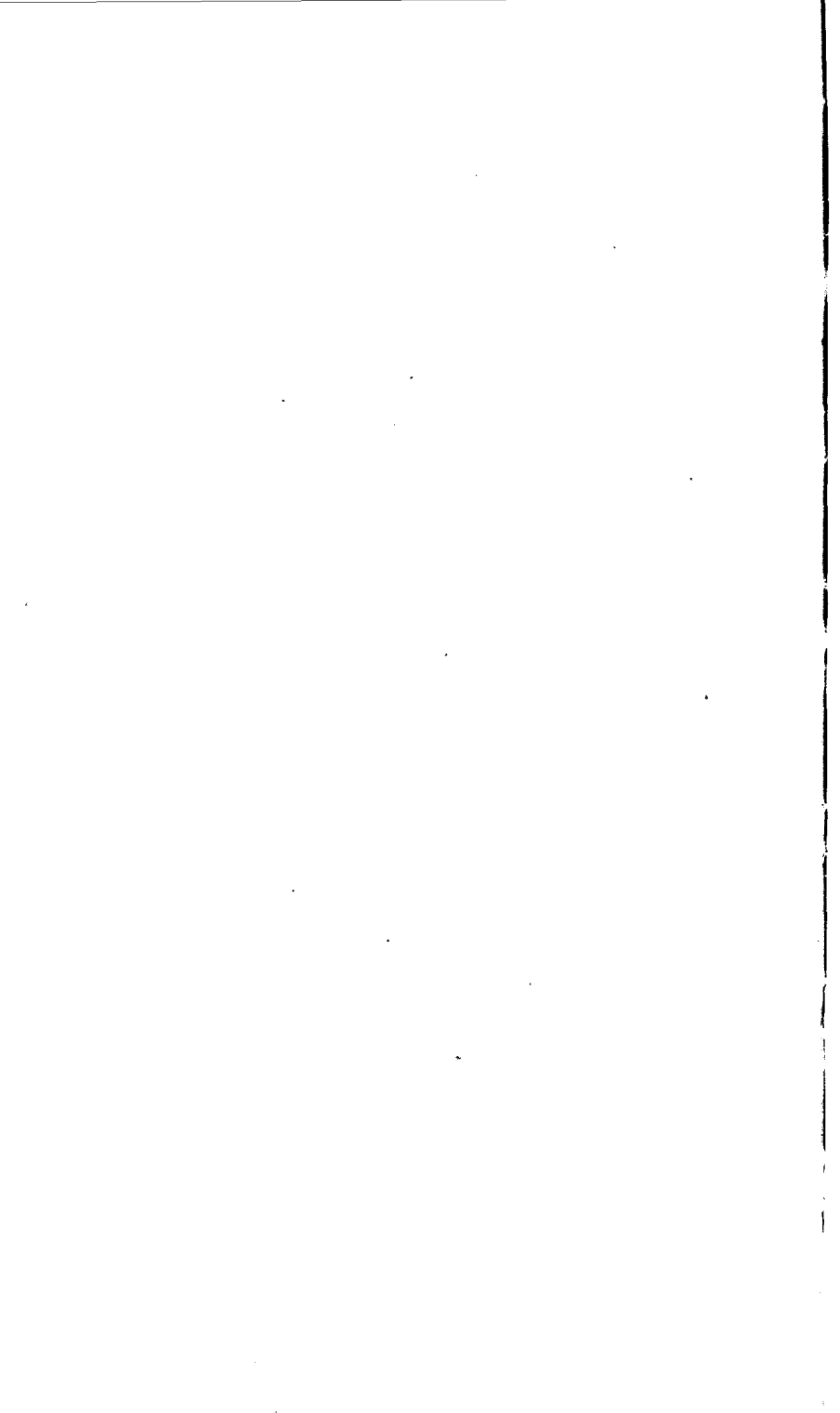
BY THE KING:

WALTER MURRAY GIBSON,
 Minister of Foreign Affairs.

All persons are hereby notified that the above Convention is to be regarded in all its provisions, as part of the laws of this Kingdom, and respected accordingly.

[L.S.] WALTER MURRAY GIBSON,
 Minister of Foreign Affairs.

Department of Foreign Affairs,
 Honolulu, August 26th, 1882.



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